

THE FLORIDA SENATE
Interim Work Plan
2002 Session



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Agriculture and Consumer Services

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the Relationship Between Motor Fuel Refiners and “Mom and Pop” Motor Fuel Retail Establishments and Review of the Motor Fuel Marketing Practices Act

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-101

BACKGROUND and DESCRIPTION:

In recent years, the number of “mom and pop” motor fuel retail establishments in the state has declined as well as the number of gallons of fuel sold by those remaining small establishments.

PROJECT OBJECTIVE(S):

This project will consist of a review of the Motor Fuel Marketing Practices Act, the laws of other states that pertain to the issue, the decline in the number of “mom and pop” motor fuel retail establishments, and testimony that has been received by the Committee pertaining to the matter.

METHODOLOGY:

Interviews will be held in person and by telephone with agency staff and with interested parties in the private sector. A review of industry related material will be conducted. Public meetings and hearings will be attended to the greatest extent possible to obtain information through those forums.

INTERIM PROJECT TITLE:

Review of a Proposal to Eliminate the Department of Citrus as a State Agency

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-102

BACKGROUND and DESCRIPTION:

During the Legislative Session of 2001, an amendment was passed by the House of Representatives to eliminate the Department of Citrus and transfer the responsibilities of that agency to an “Authority”. However, this language was not adopted in the Senate and did not pass into law. This interim project will consist of a review of that proposal with consideration given to information received from interested parties within the Florida citrus industry.

PROJECT OBJECTIVE(S):

This interim project will consist of a review of the proposal to eliminate the Department of Citrus as a state agency with consideration given to information received from interested parties within the Florida citrus industry.

METHODOLOGY:

Interviews will be held in person and by telephone with agency staff and with interested parties in the private sector. A survey will be taken of the member organizations of the Joint Citrus Industry Legislative Committee in order to receive pertinent information. Public meetings and hearings will be attended to the greatest extent possible to obtain information through those forums.

INTERIM PROJECT TITLE:

Review of Programs Pertaining to the Interception and Eradication of Agricultural Pests and Diseases in the State

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-103

BACKGROUND and DESCRIPTION:

Favorable climate, location, trade, commerce, tourism, and agricultural crop diversity make Florida a high-risk sentinel area for exotic pest and disease introduction and establishment. The potential impact of exotic agricultural pest and diseases, like Mediterranean Fruit Fly or Foot and Mouth Disease, can reach into the hundreds of millions of dollars. Furthermore, the impact of new pest and disease outbreaks can readily expand beyond agriculture and affect residential property owners.

It is likely that exotic pest and disease introduction pressure will continue to increase in Florida due to its high-risk sentinel area status. A managed approach toward agriculture pest and disease prevention could be implemented, supported by a dedicated funding source.

PROJECT OBJECTIVE(S):

The objective of this interim project will be to research possible sources of funding to intercept and eradicate agricultural pests and diseases when they are introduced into the state. It will identify the difficulties the state faces in addressing agricultural pest and disease eradication programs in agricultural and residential areas. In addition, the project will review the implications of requiring the state to obtain search warrants before entering residential or agricultural property to determine how this requirement will affect future pest eradication programs. The role and coordination of State and Federal agricultural protection agencies in exclusion, detection and response programs will be evaluated with consideration given to expanding the role of the State in exclusion activities.

METHODOLOGY:

Interviews will be held in person and by telephone with persons within appropriate state and federal agricultural protection agencies. Documents will be reviewed that pertain to the subject of this project. Public meetings and hearings will be attended to the greatest extent possible to obtain information from a cross section of the parties affected by exotic pest introduction.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review – Department of Agriculture and Consumer Services

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-201

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Agriculture and Consumer Services to undergo ZBB review during the 2001-2002 interim. The Department of Agriculture and Consumer Services is one of six Cabinet agencies within the executive branch of state government. The Commissioner of Agriculture heads the department and is a constitutional officer elected for a four-year term. The department's purpose is to help ensure a safe and abundant food supply and market Florida's agricultural commodities to the world. In addition, the department helps consumers resolve problems such as auto repair fraud and telemarketing complaints and inspects scales, gasoline pumps, and other measuring devices to help ensure that consumers get their money's worth as well as to protect the safety of the public. Finally, the department manages nearly a million acres of public land and protects both rural and suburban property from the threat of wildfire. Included in these lands are the state's forests that the department manages for timber and conservation.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review – Department of Citrus

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-202

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Citrus to undergo ZBB review during the 2001-2002 interim. The Department of Citrus is headed by the Florida Citrus Commission, whose members are appointed by the Governor and confirmed by the Senate and must be citrus growers, packers, or processors. The purpose of the department is to protect and enhance the quality and reputation of Florida citrus fruit and processed citrus products in both domestic and

foreign markets. The department is made up of three programs: Citrus Research, Executive Direction, and Agricultural Products and Marketing. The department's responsibilities include: establishing minimum maturity and quality standards for citrus fruits; regulating the methods and practices used in harvesting, grading, packing, and processing citrus fruits; researching citrus fruit and juices and conducting economic and marketing research; and planning and conducting campaigns for advertising, publicizing, and promoting citrus fruits. Of these responsibilities, the largest activity of the department is advertising and promotion. The Citrus Commission sets the annual excise tax that growers, packers, and processors must pay to fund department operations as well as quality standards for all citrus grown, packed, or processed in Florida.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with final review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

(None)

Appropriations

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Zero-Based Budget Review - Department of Agriculture and Consumer Services

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-104

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Agriculture and Consumer Services to undergo ZBB review during the 2001-2002 interim. The Department of Agriculture and Consumer Services is one of six Cabinet agencies within the executive branch of state government. The Commissioner of Agriculture heads the department and is a constitutional officer elected for a four-year term. The department's purpose is to help ensure a safe and abundant food supply and market Florida's agricultural commodities to the world. In addition, the department helps consumers resolve problems such as auto repair fraud and telemarketing complaints and inspects scales, gasoline pumps, and other measuring devices to help ensure that consumers get their money's worth as well as to protect the safety of the public. Finally, the department manages nearly a million acres of public land and protects both rural and suburban property from the threat of wildfire. Included in these lands are the state's forests that the department manages for timber and conservation.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Children and Family Services Developmental Services Program

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-105

BACKGROUND and DESCRIPTION:

ZBB analysis activities will involve a concerted effort on the part of Senate Appropriations staff, and staff of the Senate Children and Families Committee as well as House staff counterparts.

The ZBB review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The proposed ZBB review of the Department of Children and Families' Developmental Services Program will entail a comprehensive review, as well as examining the operations of this program. The Developmental Services program provides a range of services for persons with disabilities. Developmental Services Public Facilities serve individuals in five state owned and operated campuses across the state. Home and Community Services offers persons with developmental disabilities community options for services as identified in their individual support plans. These services may include residential services, day activities, supported employment, personal care, medical and dental services, respite care, therapeutic equipment, transportation, behavior management services and other needs as specified in the support plans including the ICF/DD program which is a Medicaid optional state plan service that offers 24 hour residential treatment to eligible individuals in privately operated facilities. In-Home Services for Disabled Adults includes the provision of services to disabled adults (18-59 years old), who have one or more permanent physical or mental limitations which restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently or with relatives or friends without the provision community based services. Services include meals, homemaker and personal care services, medical supplies and equipment, and emergency response systems.

PROJECT OBJECTIVE(S):

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?

- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Children and Family Services Mental Health and Substance Abuse Programs

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-106

BACKGROUND and DESCRIPTION:

ZBB analysis activities will involve a concerted effort on the part of Senate Appropriations staff, and staff of the Senate Children and Families Committee as well as House staff counterparts.

The ZBB review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The proposed ZBB review of the Department of Children and Families' Mental Health and Substance Abuse Programs will entail a comprehensive review, as well as examining the operations of these programs. The mental health program provides a range of mental health services to children and adults. The Violent Sexual Predator Program includes the screening and evaluation of all individuals who have been convicted of sex crimes and who are scheduled to be released from secured environments. Adult Community Mental Health Services includes crisis support and treatment provided in crisis stabilization units and inpatient facilities. Children's Mental Health Services includes crisis support and treatment provided in crisis stabilization units and inpatient facilities. Juvenile restoration supports includes treatment and training for children who have been found incompetent to proceed at any material stage of a criminal proceeding. Adult Mental Health Treatment Facilities includes inpatient supervision, training and treatment for individuals committed under Chapter 916, Florida Statutes, who have been adjudicated not guilty by insanity or incompetent to proceed through the judicial process. Civil treatment includes inpatient supervision, training and treatment for individuals with a civil commitment to a state mental treatment facility under Chapter 394, Florida Statutes, who have been determined to present substantial risk in the community due to danger to themselves or others.

The substance abuse program provides a range of prevention, detoxification, and treatment services to families, children, and adults through a community based provider system. Child Substance Abuse

Prevention, Evaluation and Treatment Services include: prevention services designed to preclude, forestall, or impede the development of substance abuse problems by addressing risk factors known to correlate to substance use; detoxification, intervention, and treatment services that focus on reducing and eliminating substance use among young people in order to promote positive outcomes; detoxification services provided in addictions receiving facilities utilizing medical and clinical procedures to assist children to withdraw from the physiological and psychological effects of substance abuse; and intervention services to help interrupt the progression of substance use and link the child and family to community services. Treatment and aftercare include levels of residential and non-residential treatment with the type, frequency, and duration of services varied according to the severity of the addiction. Adult Substance Abuse Prevention, Evaluation and Treatment Services include: substance abuse detoxification and treatment services designed to assist families respond to a family member's addiction and provide addiction services to many special populations throughout Florida; prevention services designed to preclude, forestall, or impede the development of substance abuse problems targeting the workplace, parents, pregnant women, and other potentially high risk groups; and aftercare services that will help individuals sustain recovery in the community.

PROJECT OBJECTIVE(S):

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Citrus

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-107

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Citrus to undergo ZBB review during the 2001-2002 interim. The Department of Citrus is headed by the Florida

Citrus Commission, whose members are appointed by the Governor and confirmed by the Senate and must be citrus growers, packers, or processors. The purpose of the department is to protect and enhance the quality and reputation of Florida citrus fruit and processed citrus products in both domestic and foreign markets. The department is made up of three programs: Citrus Research, Executive Direction, and Agricultural Products and Marketing. The department's responsibilities include: establishing minimum maturity and quality standards for citrus fruits; regulating the methods and practices used in harvesting, grading, packing, and processing citrus fruits; researching citrus fruit and juices and conducting economic and marketing research; and planning and conducting campaigns for advertising, publicizing, and promoting citrus fruits. Of these responsibilities, the largest activity of the department is advertising and promotion. The Citrus Commission sets the annual excise tax that growers, packers, and processors must pay to fund department operations as well as quality standards for all citrus grown, packed, or processed in Florida.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with final review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Elder Affairs

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-108

BACKGROUND and DESCRIPTION:

ZBB analysis activities will involve a concerted effort on the part of Senate Appropriations staff, and staff of the Senate Health, Aging and Long-Term Care Committee as well as House staff counterparts.

The ZBB review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative

Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The proposed ZBB review of the Department of Elder Affairs will entail a comprehensive review as well as examining the operations of all the programs within in the departments authority. The Department of Elder Affairs provides services to Florida's elders to increase opportunities for self-sufficiency and personal independence that help elders obtain needed services and long term care. Services are provided through nine major programs: Older Americans Act; Aged/Disabled Adult Medicaid Waiver; Alzheimer's Disease Initiative; Assisted Living for the Elderly Medicaid Waiver; Home Care for the Elderly; Long-Term Care Community Diversion Pilot Program; Community Care for the Elderly; Comprehensive Assessment and Review for Long-Term Care Services (CARES); and Office of Volunteer and Community Services. The department administers the majority of its programs through eleven Area Agencies on Aging one in each planning and service area, which are public or private non-profit agencies responsible for the regional administration of a variety of elder care programs.

PROJECT OBJECTIVE(S):

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Management Services

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-109

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Management Services to undergo review during the 2001-02 interim. The Department of Management Services is a support agency that provides services to other state agencies. The department develops and supervises the procedures under which agencies purchase commodities; designs, constructs, operates and maintains state facilities; provides security services for state-owned property; operates motor vehicle and aircraft pools; acquires and disposes of surplus federal property; and directs planning, develops policies, and regulates acquisition of information technology resources. The department is also responsible for the design and implementation of the state's personnel management system and the administration of employees benefit programs. Payments to retirees make up a large majority of the department's budget. The department represents the Governor as public employer in collective bargaining activities and provides administrative support for the Division of State Group Insurance and the Commission on Human Relations.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Military Affairs

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-110

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Military Affairs to undergo ZBB review during the 2001-2002 interim. The Department of Military Affairs oversees the operations of the Florida National Guard to ensure that units are organized, trained and equipped for the protection of lives and property, the preservation of peace, order and public safety, and participation in local and state programs that protect the citizens of Florida. The Florida National Guard

has dual federal and state roles. The state role includes providing trained units and individuals with necessary equipment to respond in times of civil disorder or natural disaster for the protection of life and property. The Florida National Guard assists the state and local agencies in drug interdiction and emergency relief. The Department of Military Affairs consists of one program, Readiness and Response. The purpose of the Readiness and Response Program is to provide military units and personnel ready to support United States national security objectives; to protect life and property; preserve peace, order and public safety; and to contribute to such national, state and local programs that add value to the United States of America and the State of Florida.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with final review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Transportation

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-111

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for ZBB provides for the Department of Transportation to undergo ZBB review during the 2001-2002 interim. The Department of Transportation is intended to aid in the management of growth and assist in providing a comprehensive transportation system that integrates highway, air, mass transit, and other transportation modes. The major elements of Florida's transportation system include almost 12,000 centerline miles on the State Highway System; more than 102,000 miles of local roads; 2,887 miles of main route rail lines; rail passenger services in north, central, and southeast Florida; commuter rail service in southeast Florida; 21 local and regional transit systems operating more than 12,600 route miles; 20 commercial airports; 14 seaports; and 51 specialized systems serving the transportation disadvantaged.

PROJECT OBJECTIVE(S):

The Zero-Based Budgeting (ZBB) review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the General Government subcommittee will be involved in this work effort in an attempt (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all General Government staff to receive cross-training in agencies they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Department of Veterans' Affairs

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-112

BACKGROUND and DESCRIPTION:

ZBB analysis activities will involve a concerted effort on the part of Senate Appropriations staff, and staff of the Senate Comprehensive Planning, Local and Military Affairs Committee as well as House staff counterparts.

The ZBB review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The proposed ZBB review of the Department of Veterans' Affairs will entail a comprehensive review as well as examining the operations of all the programs within in the department's authority. The Department of Veterans' Affairs works to aid veterans and their families to secure benefits (both state and federal), services, and privileges to which they are entitled through advocacy and long term care programs. The department has headquarters in St. Petersburg and Tallahassee and staffs field offices at the U.S. Department of Veterans Affairs' six medical centers, eight outpatient clinics as well as the State Veterans' Domiciliary and three State Veterans' Nursing Homes in Florida. Site selection for a fourth and a fifth home has been completed and construction tentatively slated beginning in fiscal

year 2001-2002. The department acts as the approving agency for veterans' education and training, assists residents of veterans' homes and veterans' medical facilities and walk-in clients with accessing entitlements, and provides outreach to populations of veterans in external agencies and organizations. The Department provides training and certification for the veterans' service offices in 66 counties, staffed by county or city employees.

PROJECT OBJECTIVE(S):

The objective of this zero-based budget review is to provide an inventory of agency programs, services and activities; including cost, performance, and customer information to support the Legislative Budget Commission in making recommendations relative to the following questions:

- Should government continue providing a service and its associated activities at the current level of funding and performance?
- If the service or activity is recommended for continuation, can it be provided more efficiently and effectively?
- Should the activity be reengineered? Should the service or activity be outsourced or privatized if quality is improved or costs decreased?

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - State Courts System

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002- 113

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for the State Courts Systems to undergo ZBB review during the 2001-2002 interim. The mission of the State Courts System is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. It includes the Supreme Court, five District Courts Of Appeal, twenty Circuit Courts, sixty-seven County Courts, and the Judicial Qualifications Commission.

The Supreme Court is the highest appellate court of the state. The court also prescribes rules and procedures to be followed in the court system, and provides administrative support and caseload reporting services to the other elements of the State Courts System. The District Courts of Appeal hear and determine appeals of cases from circuit and county courts except in those cases when appeals may be taken directly to the Florida Supreme Court or in those cases where an appeal is to a circuit court. Each of the twenty judicial circuits in Florida has circuit court sessions in each of the various counties

within their circuit. Circuit courts have jurisdiction in: appeals from county courts; exclusive original jurisdiction in all actions of law not cognizable by county courts; proceedings relating to settlement of estates; cases in equity; cases relating to juveniles except traffic offenses; all felonies and misdemeanors arising out of the same circumstances as a felony; all cases in legality of tax assessments; all actions dealing with title and boundaries of real property, and action of ejectment. Article V of the State Constitution provides for a county court in each county. County courts have jurisdiction in: criminal misdemeanor cases not cognizable by the circuit courts; cases at law not exceeding \$15,000; all violations of municipal and county ordinances; and matters dealing with the dissolution of marriage. The Judicial Qualifications Commission investigates, hears, and determines complaints charging judges with conduct unbecoming a member of the judiciary or with a permanent disability that seriously interferes with the performance of their duties, and recommends to the supreme court such disciplinary action as may be deemed appropriate under the circumstances.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, the project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the Public Safety and Judiciary subcommittee will be involved in this work effort in an attempt: (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all subcommittee staff to receive cross-training in agencies which they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Office of Capital Collateral Regional Councils

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002- 114

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for Capital Collateral Regional Councils (CCRC) to undergo ZBB review during the 2001-2002 interim. The CCRCs are required to provide representation in post-conviction proceedings to indigents convicted and sentenced to death in this state. The Offices of the Capital Collateral Regional Councils were created to assure the people of Florida that the judgments of its courts are in the interests of justice. Post conviction or collateral review of sentences is provided by the Offices of the Capital Collateral Regional

Counsels, who are obligated to represent indigent death-sentenced defendants in collateral proceedings in both state and federal courts. Collateral proceedings are filed in the original trial court and with direct review to the Florida Supreme Court. Collateral attack is usually limited to 1) ineffective assistance of counsel, 2) the state's failure to disclose evidence favorable to the defense, 3) the state's knowing use of material evidence known to be false, and 4) newly discovered evidence with might have changed either the conviction or the sentence.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, the project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the Public Safety and Judiciary subcommittee will be involved in this work effort in an attempt: (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all subcommittee staff to receive cross-training in agencies which they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Zero-Based Budgeting Review - Florida Parole Commission

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-115

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for the Florida Parole Commission to undergo ZBB review during the 2001-2002 interim. The purpose of the Florida Parole Commission is to provide public safety and protect the rights of victims by administering effective post-incarceration services include offender release, offender revocation, clemency, and victim assistance. The Commission performs a number of unique duties in Florida's criminal justice system. It grants paroles and conditional medical releases; performs investigations and hearings for parole, conditional release, conditional medical release, control release, and revocations; conducts investigations and makes recommendations for executive clemency; establishes the terms and conditions for conditional release; and acts as the Control Release Authority.

PROJECT OBJECTIVE(S):

The ZBB review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of

designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, the project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. In addition, all staff of the Public Safety and Judiciary subcommittee will be involved in this work effort in an attempt: (a) to conduct a more detailed review than was possible last year, (b) to provide all staff with ZBB training and experience, and (c) to allow all subcommittee staff to receive cross-training in agencies which they have not worked on previously. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

INTERIM PROJECT TITLE:

Review of Contracting Procedures in the Department of Juvenile Justice

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-116

BACKGROUND and DESCRIPTION:

The Department of Juvenile Justice is about 85 percent privatized, with private sector providers delivering most of its prevention and residential commitment services and a significant portion of its community supervision services. The department is managing over 500 contracts for the provision of services as well as the construction of facilities, leases, etc. The department is also highly decentralized – there are 20 districts (circuits in departmental parlance), each with the responsibility of managing contracts with private providers.

The department has been undergoing a review of its procurement systems in order to improve efficiency and effectiveness. In March 2001, agency staff proposed a new contracting procedure. According to the department’s internal review, the prior contracting process was slow and cumbersome; lacked uniformity; was frequently characterized by poor communication; and lacked a “real business” approach.

PROJECT OBJECTIVE(S):

- o To determine if there are any “bottlenecks” in the process by which the Department of Juvenile Justice executes contracts;
- o To assess the effectiveness of the March, 2001 changes to agency contracting procedures and;
- o Identify/propose alternative process improvements and strategies to expedite the contracting process and improve customer service.

METHODOLOGY:

- o Identify the different categories of contracts and identify the different procedural aspects/ contracting procedures required for the various contract categories (e.g., for commitment programs, prevention programs, construction);
 - o Review and analyze the existing and proposed departmental “core business processes” relating to the development and execution of contracts to identify “bottlenecks” in the contracting process;
- Review and analyze the department’s use of automation in managing the contracting process.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

<i>School Code Review</i>

DATE DUE: December 1, 2001

PROJECT NUMBER: 2002-203

BACKGROUND and DESCRIPTION:

Pursuant to ch. 2000-321, L.O.F., the Legislature must review designated sections of the Florida Statutes, including the Florida School Code, that are related to the organizational structure of the Department of Education, and the governance and operation of the state universities. The designated laws stand repealed January 7, 2003, unless reenacted or amended and reenacted by the Legislature prior to that date. The statutes subject to review address such issues as the structure and functions of the Department of Education, vocational and adult education, and the state’s systems and institutions offering postsecondary education.

PROJECT OBJECTIVE(S):

The primary objective of the project is to review the laws scheduled for repeal, and the School Code in general, to identify and recommend statutory changes to necessary to make the laws consistent with the education governance reorganization measure passed by the 2001 Legislature. Specifically, to recommend a statutory framework that will support a smooth transition from a centrally governed state university system to a system of independently governed institutions, and to suggest a statutory management structure that will enable the administration of a seamless, k-20 education system.

METHODOLOGY:

The staffs of the Education Appropriations Subcommittee, the Education Committee and the Department of Education will conduct a systematic review of the School Code, with particular attention directed toward laws scheduled for repeal, to identify technical modifications that need to be made to accommodate education governance changes enacted by the Legislature in 2000 and 2001. Recommendations for changes or continuation of existing law will be made on a scheduled basis for review, debate, and public comment at interim meetings of the Education Committee, the end product of this process will be submitted in bill form for consideration by the 2002 Legislature.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

FEFP Review Task Force Staff Support

DATE DUE: N/A

PROJECT NUMBER: 2002-301

BACKGROUND and DESCRIPTION:

The Public School Funding Task Force was created by the Legislature (Laws of Florida: 2000-181) to examine the Florida Education Finance Program (FEFP) and to recommend alternatives to the Speaker of the House, President of the Senate and Governor of Florida. This legislation also provides that the FEFP, as it presently is conceived, must be replaced by 2004.

The charge to this Task Force is to craft a replacement for the FEFP and to present drafts to the Legislature and Governor's Office. After the draft recommendations have been examined by the Governor, Speaker, and President, the Task Force is to hold public hearings in each of the five educational districts, gathering public suggestions and concerns regarding the proposed alternatives to the Florida Education Finance Program.

The final step for this Task Force will be to propose legislation that will supplant the present FEFP.

PROJECT OBJECTIVE(S):

The objectives of this project are to assist in setting the calendar and agendas for task force meetings, to assist in the development of proposals and strategies that will be incorporated in the report and recommendations of the task force, and to assist with public hearings of the task force that are held after a draft report has been submitted to the President, Speaker and Governor.

METHODOLOGY:

The methodology used is principally synthesis of national practices, Florida policies and programs, student performance data and research on efforts of Florida school principals and superintendents to restructure programs to enhance student achievement.

INTERIM MONITOR PROJECT TITLE:

Reorganization of the Department of Education

DATE DUE: N/A

PROJECT NUMBER: 2002-302

BACKGROUND and DESCRIPTION:

The 1998 Constitutional revision created a Governor-appointed State Board of Education to oversee the state education system. The amendment eliminated this function from the Cabinet and required the new State Board to appoint the Commissioner of Education. Following the passage of Amendment 8, the state Education Commissioner appointed a Blue Ribbon Committee to recommend a new governance model. The Committee held hearings throughout the state before recommending the

"majority" model for Florida's new education governance structure. In an effort to provide a smooth transition from the current system of education governance to a new model, the 2000 Legislature adopted a new governance model and the appointment of a Task Force to oversee the transition to a new approach to education governance. The Governor, the Speaker of the House of Representatives and the Senate President each appointed citizens to oversee the smooth transition to a new education governance model in January 2003. The Transition Task Force began its work in August 2000 and will continue through May 2003. In meeting its obligations, the Transition Task Force will issue reports and recommendations on March 1 of each year between now and 2003 to smoothly transition on January 7, 2003 to the new Florida Board of Education to govern education. The Legislature passed SB 1162 during the 2001 Session. This bill addressed a substantial number of the initial recommendations of the task force. The bill establishes a transition process which is to begin July 1, 2001. This process will overlap with the current operation of the Department of Education until such time as the Commissioner of Education becomes an appointive position on January 7, 2003. The transition will require the Governor to appoint a 7 member Florida Board of Education and a Secretary by July 1, 2001. The bill directs the Secretary and the Commissioner of Education to commence the reorganization of the Department of Education on July 1, 2001. This reorganization abolished the Board of Regents, the State Board of Community Colleges, the Postsecondary Education Planning Commission and the State Board of Independent Colleges and Universities. New Offices were also created in the legislation, thereby, impacting the executive budgets in DOE.

PROJECT OBJECTIVE(S):

- I. Understand structural changes to the budget entities within the Department of Education resulting from the implementation of SB 1162.
- II. Understand changes relating to the preparation and submission of the Legislative Budget Request and the Agency Long-Range Program Plans.
- III. Understand issues relating to the creation of the new centralized data warehouse for all of the Department of Education.
- IV. Understand the actions required to implement the new Florida Board of Education and other new boards.

METHODOLOGY:

- I. Monitor structural changes to the budget entities within the Department of Education. These changes may include the co-location of activities currently serving individual delivery systems (i.e. each system currently has its own Office of General Counsel. Will these offices be combined into one office for the entire Department of Education?)
- II. Monitor meetings and directives relating to the preparation and submission of the Legislative Budget Request and the Agency Long-Range Program Plans.
- III. Monitor meetings and information relating to the creation of the new centralized data warehouse for all of the Department of Education. These include the development and adoption of common definitions and data submission requirements.
- IV. Monitor the appointment of members, the development of bylaws, and guidelines issued to implement the new Florida Board of Education and other new boards.

Banking and Insurance

INTERIM PROJECTS

INTERIM PROJECT TITLE:

How Does the Workers' Compensation System in Florida Compare to Other States?

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-117

BACKGROUND and DESCRIPTION:

It is commonly asserted that Florida has the highest premiums for workers' compensation in the country, while its benefits are among the lowest. Concerns about costs and benefits, though often conflicting, have led to renewed interest in a comprehensive review of the workers' compensation laws. Major legislation in the 2001 session was considered but not passed that would have revised benefits, narrowed exemptions from coverage, and limited attorney fees.

PROJECT OBJECTIVE(S):

This project will compare premiums for workers' compensation in Florida to those in other states. It will also attempt to identify the cost factors of the workers' compensation system in Florida to determine the percentage of the premium dollar that is expended for medical benefits, indemnity benefits, attorney's fees, expenses, and other costs, and how such costs compare with selected other states, including large states and neighboring states. To the extent that costs for a particular area are greater in Florida than in other states, the study will attempt to determine the cause for such increased costs. Florida's workers' compensation rating laws would also be compared to other states' methods for establishing rates and premiums. Workers' compensation benefits in Florida, looking at both the statutory benefit levels and the actual benefits paid, will be compared to benefits in other large and neighboring states. The study will identify those benefits in Florida that appear to be excessive or inadequate, as compared to such other states. Recommendations may be made to consider alternatives that would bring Florida closer to the norm for costs or benefits that differ significantly from other states. The project would also analyze the exemptions from coverage that are currently authorized in Florida and the compliance efforts of the Division of Workers' Compensation. It would attempt to estimate the level of non-compliance that remains and the cost impact that such non-compliance has on the workers' compensation system and analyze options for limiting or eliminating exemptions.

METHODOLOGY:

Data on workers' compensation costs and benefits will be obtained from the Division of Workers' Compensation, the National Council on Compensation Insurance (NCCI), insurance carriers, and other sources. Comparable information for selected other states will also be obtained from NCCI and other sources. The workers' compensation laws of other states, including rate filing laws, will be compared to Florida's laws. Data related to current exemptions from coverage will be obtained from the Division of Workers' Compensation, including numbers of exemptions, estimated levels of non-compliance, current Division efforts to enforce compliance, and staff will research independent studies that have been done regarding the cost impact of non-compliance.

INTERIM PROJECT TITLE:

Analysis of the Current Health Insurance Market in Florida

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-118

BACKGROUND and DESCRIPTION:

Last session a number of major health insurance issues were considered but not passed, including the Governor's proposal to allow for the sale of "health-flex" plans in areas with the highest rates of uninsured, broader authority for insurers to sell limited benefit plans, re-opening the Florida Comprehensive Health Association to sell health insurance to persons unable to obtain coverage due to their health status, revising the standards for regulating health insurance rates, and applying rating laws to certain out-of-state group policies. These issues are expected to be addressed again next session and to more fully understand the impact of such proposals it would be beneficial to have additional information and a better understanding of the current status of the health insurance market in Florida.

PROJECT OBJECTIVE(S):

This project would determine how many insurance carriers and health maintenance organizations (HMOs) are actively participating in the individual, small group, and large group market and the premium volume for such coverage, including those carriers that market coverage in Florida under out-of-state group policies. It would also estimate the number and percentage of Floridians who are covered under each of these categories, who are covered under Medicare or Medicaid or other public programs, and who are uninsured, as well as other classifications impacted by specific legislative proposals, such as one-life group policies. Trends or changes under these categories over the last few years would also be analyzed. The report would also analyze factors affecting access to coverage and options for addressing access to coverage.

METHODOLOGY:

Coverage data obtained by the Department of Insurance will be the primary source of information, as supplemented by information obtained from insurance carriers, the U.S. Census Bureau, studies done by the Agency for Health Care Administration, and other independent studies.

INTERIM PROJECT TITLE:

Achieving Tax-Exempt Status and Efficiencies of Operation for Florida's Residual Market Property Insurers

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-119

BACKGROUND and DESCRIPTION:

Last session, CS/SB Bill 2234 (by Banking and Insurance and Sen. Garcia) was considered but not enacted, which would have merged the Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA) into a single entity. These are the two state-created insurers, referred to as "residual market insurers," that sell property insurance and windstorm insurance, respectively, to persons unable to obtain coverage in the

voluntary (private) market. Currently, the FWUA writes windstorm-only coverage in designated coastal areas of the state and in those areas voluntary market insurers are allowed to issue policies that exclude windstorm coverage. Outside of FWUA-eligible areas, the RPCJUA writes full property insurance coverage and voluntary market insurers must include windstorm coverage in each residential policy. The legislation was proposed by the Department of Insurance, whose expressed goals were to achieve tax exempt status and greater efficiencies of operation for the residual market. The tax issue includes the income tax status to the association for its premium income, as well as the income tax status to investors for interest paid on bonds or other debt obligations issued by the association. A related issue is whether and where the new entity would write full property insurance coverage, windstorm-only coverage, or a policy that co-insures a portion of the windstorm coverage. Other issues include governance and regulation, rates charged for coverage, and the take-out of policies by voluntary market insurers. These issues are expected to be addressed again next session.

PROJECT OBJECTIVE(S):

This project will analyze the issues surrounding the proposed merger of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association, including the factors that affect the issue of tax-exempt status, distinguishing between the tax status of the premium income to the organization and the tax status to the investor of bonds issued by the organization to secure debt financing for paying claims. This includes an analysis of efforts taken under current law to achieve tax-exempt status. The project will analyze the proposed merger of the two associations, including the efficiencies that can be achieved and how to minimize any detrimental impact on policyholders, current debt obligations, future access to debt financing, or voluntary market insurers. Other issues will include the options for determining rates of the association, governance and regulation, and take-out of policies by voluntary market insurers. The current operations of the RPCJUA and the FWUA will also be analyzed, including the history of take-outs by the voluntary market, the laws affecting rates for coverage and the rate changes, and the costs of administration under the two respective boards.

METHODOLOGY:

The study will include a review of the current statutes, rules, plans of operation, rate history, financing arrangements, policies issued by the associations, case law, written legal opinions, and other relevant documents affecting current operations. Discussions will be held with Department of Insurance personnel, insurance industry representatives, bond counsel, and others regarding the effect of the proposed merger of the associations. Case law relevant to the tax status of the residual market insurers will also be analyzed. Current books of business written by voluntary market insurers will be analyzed.

INTERIM PROJECT TITLE:

Cancellation of Health Care Practitioner Contracts by Insurers and Health Maintenance Organizations

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-120

BACKGROUND and DESCRIPTION:

Health maintenance organizations (HMOs) and certain health insurers enter into contracts with health care practitioners who agree to act as participating or “network” providers under a managed care

plan. Under current Florida law, an HMO must provide 60 days advance written notice to the provider before canceling the contract without cause, subject to certain exceptions. Also, an HMO may not terminate a contract with a health care provider without providing a written reason for doing so, which may include termination for “business reasons.” Current law also requires that when an HMO-provider contract is terminated for any reason other than cause, coverage continues for subscribers for whom treatment was active for a specified time period. A law enacted in 2001 (CS/SB 836; ch. 2001-107, L.O.F.) prohibits health insurers and HMOs from requiring contracted health care practitioners to accept the terms of other health care practitioner contracts with the insurer or HMO, or commonly-controlled insurer or HMO, as a condition of continuation or renewal of the contract. Physicians have complained about contract cancellations which are alleged to be done for arbitrary reasons or unspecified business reasons, claiming it is due to the physicians advocating patient rights above cost savings. Insurers respond that it is a routine business practice to evaluate whether they are doing business with the right people and that they do what is in the best interest of their members. Insurers also point out that many physicians cancel their contracts.

PROJECT OBJECTIVE(S):

The study will attempt to quantify the number of physician contracts terminated by HMOs and insurers and the number of contracts terminated by physicians over a recent period, such as three years. The study will also attempt to determine the reasons why HMOs and insurers are likely to terminate contracts. To the extent that data is available, the study will also attempt to determine the effect that such terminations have on subscribers. The report will also analyze the current laws affecting such contract terminations and compare the laws of selected states, principally the large population states. Current laws and rules related to physician-patient ratios will be analyzed, including the requirements imposed by accreditation organizations.

METHODOLOGY:

Staff will contact the leading HMOs and insurers and ask for information and statistics on the number of physician contracts terminated and the number of contracts terminated by physicians over a specified time period. Staff will also inquire as to the reasons for such terminations. Physicians and physician organizations will be contacted and asked to provide information on contract terminations. The report will also analyze the current laws affecting such contract terminations and compare the laws of selected states, principally the large population states. Current laws and rules related to physician-patient ratios will be analyzed, including the requirements imposed by accreditation organizations.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Review of Public Records Exemption for Risk-Based Capital Information Furnished to the Department of Insurance (s. 624.40851, F.S.)

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-204

BACKGROUND and DESCRIPTION:

Ch. 97-292, L.O.F., enacted the Risk-Based Capital for Insurers Act in 1997. The act instituted reporting and disclosure requirements for risk-based capital levels for domestic insurers based on a

formula adopted by the National Association of Insurance Commissioners (NAIC). Insurers are required to internally monitor trigger levels and respond as necessary. A comparison of the insurer's actual capital level and its risk-based capital levels may trigger any of several levels of regulatory action by the Department of Insurance or supervision of corrective actions by the insurer. Section 624.40851, F.S., establishes the confidentiality of risk-based capital information. The section also provides public records and public meetings exemptions for such information maintained by the Department of Insurance and for proceedings and hearings conducted by the department. The section provides that it is subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2002, unless modified or retained from repeal through reenactment.

PROJECT OBJECTIVE(S):

This project would review the public records exemption for risk-based capital information, as provided in s. 624.40851, F.S., under the criteria specified in s. 119.15, F.S., and recommend reenactment, repeal, or revision.

METHODOLOGY:

Staff will analyze the type of risk-based capital information that is filed with the Department of Insurance, as well as other financial information that is filed with the department that is not confidential or exempt from public records requirements. Legislative history of the 1997 law will be reviewed. Interviews and discussions will be held with department personnel, including the Insurance Consumer Advocate, insurance industry representatives, the First Amendment Foundation, and other persons, who will be asked whether the exemption is justified under the criteria specified in s. 119.15, F.S. Other state laws and NAIC model laws will be reviewed for comparison purposes.

MONITOR PROJECTS

(None)

Children and Families

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the Family Courts Division and the Model Family Court

DATE DUE: December 1, 2001

PROJECT NUMBER: 2002-121

BACKGROUND and DESCRIPTION:

On May 3, 2001, the Florida Supreme Court issued an order regarding its acceptance of the Family Court Steering Committee's recommendations for a model family court using the unified family court process. The order addressed the organization, policies, procedures, staffing, resources, and linkages to community services needed to assist children and families involved in litigation. This project would bring together the participants in the state's family courts to determine those areas of law that need to be amended or where legislation is needed to facilitate the implementation of the model family court. The Children and Families Committee will focus on issues related to the role of social services and the providers of those services in the model family court. The Judiciary Committee will focus on issues related to case management, court processes and information technology.

PROJECT OBJECTIVE(S):

The project will focus on those aspects of the model family court where legislative action is needed to facilitate implementation in the court system and the coordination of needed social services. In the coordination of social services, the project will initially focus on removing barriers and increasing coordination between the court and the providers of those services funded primarily by the state.

METHODOLOGY:

This project will begin with a request for all interested parties to identify issues requiring legislative attention for discussion at a meeting with the Chairmen of the Committee on Children and Families and the Committee on Judiciary. This meeting is scheduled for June 26, 2001 in Tallahassee. The issues identified at this initial meeting will be further discussed in follow-up meetings during July and August. These meetings will involve the interested parties working with staff to further clarify and prioritize issues to be brought to the committees during the fall. During September and October, each committee will focus on a set of the issues identified during the summer to determine those issues requiring legislative action and to identify what action the committee wants to pursue. Legislation implementing the recommendations of the committees will be drafted and presented as proposed committee bills in the late fall.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Choice and Control Pilot Project for Persons with Developmental Disabilities

DATE DUE: December 31, 2001

PROJECT NUMBER: 2002-205

BACKGROUND and DESCRIPTION:

Section 18 of chapter 99-144, Laws of Florida, directs the Department of Children and Family Services to establish a consumer-directed, choice-based pilot program for providing services to persons with developmental disabilities. The Department of Children and Family Services must establish at least one but no more than three differently structured pilot programs to test a payment model in which the consumer controls the money that is available for his or her care. Reports on the progress of the pilots are due to the Legislature by December 1, 2000, and December 1, 2001. The pilot programs are repealed July 1, 2002, and must be reviewed by the Legislature prior to that date.

Districts 1, 2 (five counties), and 4 were selected as implementation sites for the pilot programs. The status report submitted to the Legislature on December 1, 2000, states that the projects are operational and project objectives are being met based on “informal feedback, anecdotal evidence, and an initial analysis of participants’ purchasing.”

PROJECT OBJECTIVE(S):

To conduct a legislative review of the pilot programs.

METHODOLOGY:

The Committee on Children and Family Services will conduct the legislative review by meeting with the Department of Children and Family Services, obtaining preliminary findings and recommendations from them on the progress of the pilots (information that will be included in their December 1, 2001 report), and may include a site visit to one or more of the pilot programs.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review - Department of Children and Families - Developmental Services Program

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-206

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The Zero-Based Budgeting review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy and other important data and information are reviewed and compiled for legislative review and action.

Scheduled for ZBB review during the 2001-2002 interim is the developmental services program within the Department of Children and Families.

PROJECT OBJECTIVE(S):

To work with the Appropriations staff, in addition to staff from the House of Representatives, on the comprehensive review of program and service information relating to the mental health, substance abuse, and developmental services programs of the Department of Children and Families.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate with review and approval of the Legislative Budget Commission.

INTERIM MONITOR PROJECT TITLE:

Zero-Based Budgeting Review - Department of Children and Families - Mental Health and Substance Abuse Program

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-207

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The Zero-Based Budgeting review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy and other important data and information are reviewed and compiled for legislative review and action.

Scheduled for ZBB review during the 2001-2002 interim is the alcohol, drug abuse, and mental health services program within the Department of Children and Families.

PROJECT OBJECTIVE(S):

To work with the Appropriations staff, in addition to staff from the House of Representatives, on the comprehensive review of program and service information relating to the mental health, substance abuse, and developmental services programs of the Department of Children and Families.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Pilot Program for Administrative Establishment of Child Support Obligations

DATE DUE: N/A

PROJECT NUMBER: 2002-303

BACKGROUND and DESCRIPTION:

CS/SB 1284 created a pilot program for administratively establishing child support orders in one county to be selected by the Department of Revenue. In this pilot program, the Department of Revenue will prepare and issue child support orders based on the existing child support guidelines and prescribed information and affidavits provided by both parents, instead of utilizing a judicial process. The bill sets forth provisions for establishing the proposed administrative order, requesting a hearing, the filing of the administrative order with the court, collection and enforcement, and modifications of the administrative order. The Department of Revenue is to submit a report to the Legislature, the Governor, and the Cabinet on the implementation of the pilot program by June 30, 2002. The Office of Program Policy Analysis and Government Accountability is to conduct an evaluation with a report to the Legislature by June 30, 2003.

PROJECT OBJECTIVE(S):

To monitor the establishment and implementation of the administrative pilot during its first year.

METHODOLOGY:

The Committee on Children and Families will monitor the pilot program to administratively establish child support orders by meeting with the Department of Revenue staff and participating in other appropriate activities related to the development and implementation of this pilot program.

INTERIM MONITOR PROJECT TITLE:

Child Support Guidelines

DATE DUE: N/A

PROJECT NUMBER: 2002-304

BACKGROUND and DESCRIPTION:

Federal and state law (s. 61.30(16), F.S.) require that the child support guidelines be reviewed every 4 years. During the last 2 years, work has been initiated to accomplish this child support guideline review which includes a House Committee on Family Law and Children interim project, introduction of legislation in 2000 and a proposed child support bill drafted jointly in 2001 by the Family Court Steering Committee of the Florida Supreme Court, the Florida Chapter of the American Academy of Matrimonial Lawyers and the Family Law Section of the Florida Bar. Legislation adopted in 2001 contained two additional components of a child support guidelines review: an economic consultant's update of the child support guidelines schedule and a review of court cases to determine deviation from the child support guidelines. The House Committee on Judicial Oversight plans to conduct a series of roundtable discussions to build agreement on key issues relevant to the child support guidelines review, with the goal of preparing legislation for the 2002 session.

PROJECT OBJECTIVE(S):

Since the interim activities of the House could result in major legislation, the Committee on Children and Families will monitor the work of the House Committee on Judicial Oversight to review and update the child support guidelines.

METHODOLOGY:

Monitoring activities will consist of researching relevant issues, attending the roundtable meetings, and participating in other appropriate activities related to the review and update of the child support guidelines

INTERIM MONITOR PROJECT TITLE:

Community-Based Care

DATE DUE: N/A

PROJECT NUMBER: 2002-305

BACKGROUND and DESCRIPTION:

The Department of Children and Family Services was directed by the Legislature to privatize all foster care and related services by January 1, 2003, and to transfer child protective investigative services to the sheriffs of five Florida counties. There have been problems and delays over the past 2 years in this transition to community based care. To help address these problems, the 2001 Legislature directed the department (in CS/CS/SB 1214) to collaborate with the community alliance in developing a plan for procuring either components of foster care and related services or comprehensive services when a capable and willing lead agency cannot be identified. When a community alliance does not exist, the plan must be submitted to the Legislature for comment.

PROJECT OBJECTIVE(S):

To continue monitoring the implementation of community-based care and the provision of child protective investigations by local sheriffs.

METHODOLOGY:

The Committee on Children and Families will monitor the implementation of community-based care through discussions with department, sheriffs' and community-based staffs, review of performance reports, and other appropriate activities.

INTERIM MONITOR PROJECT TITLE:

Closure of G. Pierce Wood Memorial Hospital

DATE DUE: N/A

PROJECT NUMBER: 2002-306

BACKGROUND and DESCRIPTION:

Because of reductions in federal Medicaid Disproportionate Share funds, census decline, unusual incidents resulting in death or injury, and legal actions by the United States Department of Justice, the Department of Children and Family Services concluded that it was necessary to close G. Pierce Wood Memorial Hospital (GPW). The hospital is scheduled to close in April, 2002. The Legislature, through the General Appropriations Act for FY 2000-2001 and the General Appropriations Act for FY 2002-2002, directed the Department of Children and Family Services to increase the quality and quantity of community-based mental health treatment services in those communities served by G. Pierce Wood Memorial Hospital. Funds were appropriated for establishing community based treatment and support services such as crisis stabilization units, short-term residential treatment beds, assertive community

treatment teams, case management services, and other transition costs. This transition to less institutional care and greater community-based care must occur with deliberative planning so that persons with serious mental illness will receive appropriate treatment and support services in the least restrictive setting.

PROJECT OBJECTIVE(S):

To monitor, during FY 2001-2002, all activities associated with the closure of GPW including the phase-down of the hospital and the development and implementation of the community mental health services in those counties served by GPW.

METHODOLOGY:

The Committee on Children and Families will monitor the closure of G. Pierce Wood Memorial Hospital and the development of new community mental health services by meeting with the Department of Children and Family Services, community-based stakeholders, provider agencies, county government, and other interested and affected persons and groups.

INTERIM MONITOR PROJECT TITLE:

Prototype Region

DATE DUE: N/A

PROJECT NUMBER: 2002-307

BACKGROUND and DESCRIPTION:

The 2000 Legislature established the prototype region in s. 20.19(7), F.S., and directed the Department of Children and Family Services to evaluate the efficiency and effectiveness of the operation of the prototype region. Upon a determination that there has been a demonstrated improvement in management and oversight of services or cost savings from more efficient administration of services, the Secretary may consolidate management and administration of additional areas of the state.

The 2001 Legislature modified the duties of the lead agency in the prototype region to allow the lead agency to provide the core services. The requirement was removed from s. 20.19, F.S., that the department approve such an arrangement based upon a finding that the lead agency was the only appropriate organization within the district capable of providing these services.

PROJECT OBJECTIVE(S):

To continue monitoring, during FY 2001-2002, the implementation of the prototype region including a request to the Department of Children and Family Services for a status report on their evaluation of the operation of the region.

METHODOLOGY:

The Committee on Children and Families will monitor the continued development and operation of the prototype region by meeting with the Department of Children and Family Services and by reviewing all pertinent reports and responses pertaining to the prototype region.

INTERIM MONITOR PROJECT TITLE:

Comprehensive Residential Group and Foster Care Services

DATE DUE: N/A

PROJECT NUMBER: 2002-308

BACKGROUND and DESCRIPTION:

The major provisions in CS/CS/SB 1214 include:

- The expansion of comprehensive residential services to children in the child protection system who have extraordinary needs such as serious behavioral problems or do not have the options of either reunification with their family or adoption. These contracts, in Districts 4, 11, 12, the Suncoast Region of the department, will be with a not-for-profit corporation or local government entity under contract with the department or by a lead agency pursuant to s. 409.1671, F.S. The department will also contract with a not-for-profit entity serving children from multiple districts.
- Model comprehensive residential services programs established in Dade and Manatee counties in the private sector to provide a full array of services for a fixed price.
- An assessment process for the placement in residential group care of children 11 years of age or older who have been in foster care at least 6 months and are moved in foster care more than once.

PROJECT OBJECTIVE(S):

To monitor, during FY 2001-2002, the expansion of residential services in those districts and counties specified in the legislation, the implementation of the model residential services in Dade and Manatee counties, and the development of the assessment process for the specified population.

METHODOLOGY:

The Committee on Children and Families will monitor these activities by meeting with the Department of Children and Family Services, community-based agencies, and other involved groups or persons and by reviewing pertinent reports.

INTERIM MONITOR PROJECT TITLE:

Behavioral Health Demonstration Projects

DATE DUE: N/A

PROJECT NUMBER: 2002-309

BACKGROUND and DESCRIPTION:

The major provisions in CS/CS/SB 1258 include the behavioral health service delivery strategies and the Children's Behavioral Crisis Unit demonstration program.

- The Department of Children and Family Services and the Agency for Health Care Administration are directed to develop two behavioral health service delivery

strategies that will improve the coordination, integration, and management of the delivery of mental health and substance abuse treatment services to persons with mental, emotional, or addictive disorders. One of these strategies must be in the G. Pierce Wood Memorial Hospital catchment area. An amendment to the 2001 state plan for mental health and substance abuse services is due to the Legislature by October 31, 2001, describing details, as outlined in the bill, on the operation and design of the strategies. The Florida Mental Health Institute will conduct a formative evaluation of the strategies identifying the most effective methods and techniques to manage, integrate, and deliver behavioral health services. The first status report on the implementation of the strategies is due to the Department of Children and Family Services, the Agency for Health Care Administration, the Governor, and the Legislature on January 1, 2002, and status reports are due every 12 months thereafter.

- The Department of Children and Family Services is authorized to implement a Children's Behavioral Crisis Unit demonstration program to provide integrated emergency mental health and substance abuse services to persons under the age of 18 at facilities licensed as Children's Crisis Stabilization Units. The Department of Children and Family Services, in conjunction with the Agency for Health Care Administration, must develop standards that address eligibility criteria, clinical procedures, staffing requirements, operational, administrative and financing requirements, and the investigation of complaints. The demonstration model will be implemented in Collier, Lee, and Sarasota counties and will be evaluated by an independent entity by December 31, 2003, and expanded to other parts of the state if recommended in the evaluation.

PROJECT OBJECTIVE(S):

To monitor, during FY 2001-2002, the implementation of the behavioral health service delivery strategies and the implementation of the Children's Behavioral Crisis Unit.

METHODOLOGY:

The Committee on Children and Families will monitor the implementation of the behavioral health strategies and the crisis unit demonstration model through meetings and discussions with the Department of Children and Family Services, the Agency for Health Care Administration, and other appropriate groups and organizations as well as the review of work plans and other pertinent documents.

Commerce and Economic Opportunities

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Solvency of the Unemployment Compensation Trust Fund and the Tax “Trigger”

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-122

BACKGROUND and DESCRIPTION:

Under current law, unemployment compensation benefits are paid to claimants from the Unemployment Compensation Trust Fund. The trust fund is used exclusively for that purpose and is replenished from taxes paid by employers. During the 2001 legislative session, several legislative proposals to extend unemployment compensation benefits received opposition from the business community. Senate Bill 500 (birth and adoption unemployment compensation) and SB 1740 (alternative base period) were two examples. Concerns were raised that the proposed legislation would likely cause the balance of the trust fund to fall below the statutory trigger of 4 percent of the state’s taxable payrolls and, consequently, require a tax increase on employers in the form of the Positive Fund Balance Adjustment Factor. Predictions were also made that the fund balance’s fall below the 4-percent trigger is imminent even without the added impact of the proposed legislation, leading some members of the business community to call for a reduction in the trigger (*e.g.*, 3.7 percent of taxable payrolls) to avert a tax increase.

PROJECT OBJECTIVE(S):

Analyze the solvency of the Unemployment Compensation Trust Fund, evaluate the short-run potential for the fund balance’s trigger of a tax increase, and assess whether the trigger’s statutory rate of 4 percent of taxable payrolls is optimal to protect the solvency of the fund while minimizing the taxes imposed upon employers.

METHODOLOGY:

Examine the historical cash flow of the Unemployment Compensation Trust Fund and long-term economic forecasts to evaluate the 4-percent trigger; study the existing research and analyses of the trust fund including the impact of severe recessionary periods on the fund balance; review the requirements of the Federal Unemployment Tax Act; and draw upon the combined expertise in this policy area of the Agency for Workforce Innovation, the Governor’s Office of Economic Policy and Research, and the business community.

INTERIM PROJECT TITLE:

Technology Transfer and Commercialization

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-123

BACKGROUND and DESCRIPTION:

Although no major technology-related economic development legislation was enacted during the 2001 session, the Legislature focused considerable attention on policies designed to promote the development of emerging and strategic technologies in the state (*e.g.*, information technology, biotechnology, health technology, space technology). Simultaneously, state and local economic development organizations have been developing marketing initiatives and other programs designed to attract and grow high-technology businesses.

One of the most challenging and integral issues related to development of high-technology businesses in the state is the transfer and commercialization of technology (*e.g.*, university technology transfer policies and business relationships). Research itself cannot generate new products and processes. Successful commercialization of technology also requires capital, production capacity, marketing, and ongoing development. Often, an entity that develops a new technology does not have the wherewithal to bring it to market and, therefore, must “transfer” that raw technology to another entity that can. The term “technology transfer” is commonly used to refer to this complex commercialization process, which is guided by formal procedures and nurtured by informal information exchange and industry partnerships.

According to a recent national study, technology transfer can be a stimulant, precursor, or complement to building a high-skills, high-wage state economy. In fact, it was estimated that, in 1997, formal technology transfer accounted for \$24.5 billion in product sales and another \$4.2 billion in pre-production investments. Products developed from technology transfer include disease diagnostic tests, gene-splicing techniques, search engine software, more powerful computer hardware, and new construction materials.

PROJECT OBJECTIVE(S):

Explore policy options for creating a business climate in Florida that promotes the development of high-technology businesses by enhancing the transfer and commercialization of technology.

METHODOLOGY:

Interview university personnel involved with technology transfer, experts on the topic of technology transfer and business incubation, and various members of the business community; perform literature review and Internet research regarding technology transfer; and identify technology transfer policies and procedures successfully used in other states.

INTERIM PROJECT TITLE:

International Business Promotion

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-124

BACKGROUND and DESCRIPTION:

International trade and foreign investment are clearly established as integral elements of the state’s economic engine. Totalling \$73.8 billion in 2000, the state’s international merchandise trade volume is equivalent to approximately 16 percent of the Gross State Product and is about evenly balanced between exports and imports. The state also annually exports an estimated \$10 billion in services, including higher value-added professional services such as consulting, communications, legal, medical, financial,

and transportation. Foreign direct investment in the state totaled \$33.9 billion in 1998. This investment generated 264,000 jobs, the fourth-highest state total in the nation.

However, export data suggests that state international trade and investment programs have room for improvement. Despite a 6.4 percent increase in the state's total international merchandise trade volume between 1998 and 2000, annual merchandise exports decreased by \$1.8 billion (4.8 percent) during that same period. Moreover, the state's share of total U.S. merchandise exports declined from 5.5 percent of the U.S. total in 1998 to 4.6 percent in 2000.

Numerous public, private, and public/private entities implement or assist state international business programs. Although Enterprise Florida, Inc., the state's principal economic development organization, and the Department of State administer many of these programs (e.g., export counseling, trade missions, and the Sister City/Sister State program), other organizations such as the Florida Small Business Development Center Network, the Florida Export Finance Corporation, and World Trade Centers of Florida, Inc., also provide services related to international business.

PROJECT OBJECTIVE(S):

Although the success of the state's international trade and investment levels is, to a certain extent, dependent on economic and political factors beyond the control of state government, there might exist more cost-effective ways for the state to promote international business. This project will identify the state's various international business programs/initiatives and propose additions and alternatives to those programs based on best practices used by other states or countries and suggestions provided by relevant organizations.

METHODOLOGY:

Interview members of the state's various international business programs/initiatives; perform literature and Internet reviews of other states' and countries' international trade and investment promotion programs; and interview select stakeholders from various states, countries, and interest groups.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Passport to Economic Progress Demonstration Program

DATE DUE: N/A

PROJECT NUMBER: 2002-310

BACKGROUND and DESCRIPTION:

During the 2001 session, the Legislature authorized the "Passport to Economic Progress" demonstration program in Hillsborough and Manatee counties. (See ss. 1-3, CS/CS/SB 1672.) The purpose of the demonstration program is to assist current and former recipients of temporary cash

assistance generate family incomes that promote economic self-sufficiency, as well as to develop a potential model for the continued evolution of the state's welfare-reform effort. The demonstration program increases the earned income disregard for recipients of cash assistance, provides wage supplementation, and extends certain transitional benefits and services for former recipients of cash assistance in the pilot communities. The demonstration program is to be administered by Workforce Florida, Inc., the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards. The program must be implemented by November 1, 2001.

PROJECT OBJECTIVE(S):

Monitor implementation of the demonstration program in order to help identify any barriers to full and effective implementation, which may then be addressed by legislative action during the 2002 session.

METHODOLOGY:

Conduct interviews with staff from state and local agencies or entities that have roles in implementing the demonstration program; attend meetings organized by such participating agencies or entities; and review implementation plans, status reports, performance data, or other similar documentation to the extent such materials are available.

INTERIM MONITOR PROJECT TITLE:

Secured Transaction Registry

DATE DUE: N/A

PROJECT NUMBER: 2002-311

BACKGROUND and DESCRIPTION:

Under current law, the Department of State (department) performs the duties of the filing office and filing officer for secured transactions under the Uniform Commercial Code. The department maintains a central database, accessible to the public through the Internet, which indexes the financing statements filed with the department. During the 2001 session, the Legislature enacted HB 1157, which requires the department to cease performing these duties by October 1, 2001, or by the effective date of a contract for the performance of these duties, whichever occurs later. (Substantially similar provisions were also enacted in HB 579 and take effect January 1, 2002.) The bill directs the department to contract with the most qualified and capable respondent to a request for qualifications to operate and maintain the database, the Florida Secured Transaction Registry (registry), in a manner that:

- Is comparable and compatible with the department's current filing system;
- Is open to the public and accessible through the Internet;
- Will maintain the filings as public records;
- Will provide for oversight and compliance audits by the department; and
- Will maintain the current level of filing fees and procedures for the deposit of revenues with the department, net of operating costs.

The contract may not be assignable or transferable without the written consent of the department, and the department and the state retain ownership of the materials and records in the registry. In the event that a contractor fails to perform its duties or becomes bankrupt, insolvent, or is in receivership,

the legislation requires the department to reclaim possession and control of the materials and records in the registry and provide uninterrupted performance of the duties of the filing office and filing officer.

PROJECT OBJECTIVE(S):

Monitor the department's outsourcing of the Florida Secured Transaction Registry in order to help identify any barriers to full and effective implementation of HB 1157, which may then be addressed by legislative action during the 2002 session.

METHODOLOGY:

Maintain contact with staff of the department's Division of Corporations; review the request for qualifications to operate and maintain the registry, as well as responses to the request; attend meetings between the department and the entity selected to establish and operate the registry; and review any progress reports prepared by the department or the entity selected to establish and operate the registry.

INTERIM MONITOR PROJECT TITLE:

Florida 2012: The Bid to Host the Olympic Games

DATE DUE: N/A

PROJECT NUMBER: 2002-312

BACKGROUND and DESCRIPTION:

The Tampa Bay community has launched an effort to host the 2012 Summer Olympic Games. A not-for-profit corporation, Florida 2012, has been established as an Olympic organizing committee to assist Tampa in its efforts to secure candidate city designation by the United States Olympic Committee (USOC) and, ultimately, host city designation by the International Olympic Committee (IOC). The USOC will conduct a site visit to Tampa in August 2001 as an important step in narrowing the number of cities under consideration for candidate city designation by the USOC. It is anticipated that there may be an increasing state role in the planning for and, potentially, hosting of the Olympic Games.

PROJECT OBJECTIVE(S):

Monitor the ongoing activities of the Tampa Bay community to secure candidate city designation by the USOC with a focus on identifying potential state roles and responsibilities associated with the hosting of the 2012 Olympics in Florida which may require legislative consideration during the 2002 session.

METHODOLOGY:

Conduct interviews with staff of Florida 2012; review documents prepared by Florida 2012 as part of the bid process, to the extent available; review media coverage of site visits conducted by the USOC in Tampa and in other U.S. communities competing for host city designation; maintain contact with state agencies or entities that are currently assisting Florida 2012 with its bid preparations and other planning for the Olympics; and monitor Olympic-related activities occurring in other states competing to host the Olympics.

INTERIM MONITOR PROJECT TITLE:
Economically Distressed Communities

DATE DUE: N/A

PROJECT NUMBER: 2002-313

BACKGROUND and DESCRIPTION:

During the 2001 session, the Legislature enacted substantial revisions to the state Enterprise Zone Program. (See HB 1225.) The changes were designed, in part, to emphasize new job creation and homeownership and to facilitate greater use of the program in rural areas. The Senate Committee on Commerce and Economic Opportunities had conducted a mandatory review of the program during the summer/fall of 2000, which contributed to the 2001 legislation. In addition to the Enterprise Zone Program, the state has a number of other ongoing initiatives designed to assist distressed communities, including the Front Porch Florida Initiative and the Toolkit for Economic Development. To date, there are more than 30 enterprise zones, and 11 communities have been designated as Front Porch Florida Communities. In some cases, communities may be participating in multiple initiatives simultaneously, raising questions about the extent to which efforts are being coordinated in order to leverage the combined benefit of the initiatives in order to improve economic conditions in those communities.

PROJECT OBJECTIVE(S):

Monitor the various efforts to improve economic conditions in distressed urban and rural communities. Particular emphasis will be placed on any “glitch” issues that arise in implementation of the changes made during the legislative session to the Enterprise Zone Program and on progress achieved or problems experienced in continued implementation of the Front Porch Florida Initiative and the Toolkit for Economic Development.

METHODOLOGY:

Communicate with the Department of Revenue, the Office of Tourism, Trade, and Economic Development, the Office of Urban Opportunity, Enterprise Florida, Inc., Workforce Florida, Inc., and other state and local agencies or organizations involved in the Enterprise Zone Program, the Front Porch Florida Initiative, and the Toolkit for Economic Development; track anticipated application processes associated with the designation of additional Front Porch Florida Communities and the identification of projects for funding under the Toolkit for Economic Development; and attend Tallahassee meetings of the coordinating partner agencies charged with administering the Toolkit for Economic Development.

INTERIM MONITOR PROJECT TITLE:
Joint International Program Review Team

DATE DUE: N/A

PROJECT NUMBER: 2002-314

BACKGROUND and DESCRIPTION:

Proviso language in the fiscal year 2001-2002 General Appropriations Act creates a “Joint International Program Review Team” charged with reviewing the Department of State’s programs and services related to advocating international business partnerships. (See Specific Appropriation 2877, Conference Report on SB 2000.) The context for the review is the scheduled change in the constitutional

status of the Department of State, under which the Secretary of State will no longer be an elected officer or member of the Florida Cabinet after January 7, 2003. The review and evaluation is to consider all expenditures from any appropriation made to the department which are related to the Advocating International Business Partnerships Service or the Office of International Affairs for the period of July 1, 1999, through June 30, 2002. The report is to include recommendations of which functions the department should continue to perform.

PROJECT OBJECTIVE(S):

Monitor the activities, findings, and recommendations of the program review team so that the Legislature may identify and assess policy and funding options in this area.

METHODOLOGY:

Maintain contact with the review team members and staff; attend meetings of the review team; and examine reports or similar documents prepared by the review team.

INTERIM MONITOR PROJECT TITLE:

Economic Development Strategic Plan

DATE DUE: N/A

PROJECT NUMBER: 2002-315

BACKGROUND and DESCRIPTION:

Enterprise Florida, Inc., the state's principal economic development organization, recently completed a significant, statewide economic development strategic planning process. The economic development strategic plan for 2001-2006 was submitted to the Governor and the Legislature in December 2000, culminating what was perhaps the most comprehensive strategic planning effort by the organization since it assumed increased responsibility following the dissolution of the Department of Commerce in 1996. The plan's strategic recommendations include: making the state a priority location for business and trade expansion; developing a world-class workforce; enhancing the competitiveness of the state's business climate; creating a worldwide pro-business image; establishing the infrastructure for a globally competitive economy; and promoting growth opportunities for Floridians, including urban-core and rural communities. The law (s. 288.905, F.S.) requires Enterprise Florida, Inc., to update or modify the plan annually. The organization has scheduled a series of regional meetings throughout the state in July 2001 to solicit business and economic development participation in the update of the plan, identify regional strategic goals, and ensure that the plan supports regional diversity.

PROJECT OBJECTIVE(S):

Monitor the implementation and revision of the economic development strategic plan by Enterprise Florida, Inc., in order to enable the Legislature to evaluate proposed economic development legislation for compatibility with the strategic plan and gauge the performance of the state's economic development activities.

METHODOLOGY:

Communicate with staff of Enterprise Florida, Inc., to obtain information on activities or policy proposals related to implementation of the strategic plan; review relevant strategic planning documents prepared by the organization; and attend or review minutes from the regional meetings scheduled to obtain business and economic development input on the annual update of the strategic plan.

Comprehensive Planning, Local and Military Affairs

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Integration of Water Supply Planning and Local Government Comprehensive Planning

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-125

BACKGROUND and DESCRIPTION:

A number of bills considered during the 2001 legislative session attempted to improve the coordination between water supply planning conducted by the five water management districts and the potable water supply element of local government comprehensive plan. This project will evaluate the types of information currently used by local governments in preparing their potable water elements and examine methods of improving the quality of information supporting the potable water elements as well as improving coordination between the water management districts and local governments.

PROJECT OBJECTIVE(S):

Determine methods of improving the linkage between water supply information generated by the water management districts and the potable water supply element which local governments must include in their local government comprehensive plans as required by s. 163.3177(6)(c), Florida Statutes.

METHODOLOGY:

Interview staff of the Department of Community Affairs, the Department of Environmental Protection, and the five water management districts in addition to stakeholder groups.

INTERIM PROJECT TITLE:

Growth Management

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-126

BACKGROUND and DESCRIPTION:

During the 2001 legislative session, major growth management legislation was considered, but not passed by both houses of the legislature. The legislation addressed a number of areas including: improving intergovernmental coordination between local governments and school boards and requiring local governments to deny applications for rezoning and comprehensive plan amendments that increase the density or intensity of development if adequate school capacity is not available; streamlining comprehensive plan amendment review, exempting urban infill areas from concurrency requirements, an optional special master process for the review of quasi-judicial decisions; improving the link between water supply planning and local government comprehensive plans; and minor adjustments to Development of Regional Impact (DRI) substantial deviation thresholds.

For the past several years certain large scale developments, i.e., marinas, airports, etc., have sought legislation to exempt these categories of development from the DRI process. During the 2001 legislative session, amendments were added to the transportation bill to exempt airports, petroleum facilities, In addition, the Governor's Growth Management Study Commission recommended the replacement of the DRI program with an alternative process based upon the development of regional cooperation agreements. This project will also examine alternatives to the DRI review with a focus on methods of integrating the review of large development projects for extrajurisdictional impacts into the local government comprehensive planning process.

PROJECT OBJECTIVE(S):

Refine proposed growth management legislation for consideration during the 2002 legislative session.

METHODOLOGY:

Continue to review legislation proposed last year as well as interview staff of the Department of Community Affairs, local governments, school boards, regional planning councils, and stakeholders involved in growth management issues.

INTERIM PROJECT TITLE:

Improvements to Mobile Homes and Parks

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-127

BACKGROUND and DESCRIPTION:

Chapter 723, F.S., is cited as the "Florida Mobile Home Act." Section 723.042, F.S., provides that no person may be required by a mobile home park owner or developer, as a condition of residence in the mobile home park, to provide any improvement unless the requirement is disclosed prior to occupancy. Section 723.022(2), F.S., requires park owners to maintain the common areas in a good state of appearance, safety, and cleanliness. Section 723.023, F.S., requires mobile home owners to comply with applicable building, housing, and health codes and to keep their lot clean and sanitary.

Current law may not provide mobile home park owners the authority to require mobile home owners to make improvements to their mobile homes and to maintain the property on which they are located.

Failure to maintain the park may result in decreasing the quality, character or value of the property.

PROJECT OBJECTIVE(S):

Review the statutory responsibilities of both the park owners and mobile home owners to maintain and add improvements to mobile home parks, mobile homes and the property on which such are situated.

METHODOLOGY:

Review existing statutory authority and interview the stakeholder groups affected by the project.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:***Business Damages in Eminent Domain Proceedings***

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-208

BACKGROUND and DESCRIPTION:

Section 58 of chapter 99-385, L.O.F., amended s. 73.071(3), F.S., to reduce from 5 to 4 the number of years standing businesses must have to be eligible for business damages resulting from property takings by the state or local governments in eminent domain proceedings for transportation projects. Section 59 of the law specifies that this amendment to the statute is repealed, effective January 1, 2003.

PROJECT OBJECTIVE(S):

Review the cumulative fiscal impact of section 58 of chapter 99-385, L.O.F., and recommend the provision be enacted, amended or be allowed to sunset.

METHODOLOGY:

Interview Department of Transportation and local government staff involved in the payment of business damages resulting from eminent domain actions in addition to members of the business community.

INTERIM MANDATORY REVIEW TITLE:***Zero-Based Budgeting Review – Department of Military Affairs***

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-209

BACKGROUND and DESCRIPTION:

The Zero-Based Budgeting (ZBB) review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product that includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The Legislative Budget Commission schedule for ZBB provides for the Department of Military Affairs to undergo ZBB review during the 2001-2002 interim.

PROJECT OBJECTIVE(S):

To monitor and assist the General Government appropriations subcommittee in this work effort. Process and analysis methodologies will be developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with final approval of the Legislative Budget Commission.

METHODOLOGY:

Monitor and assist the General Government appropriations subcommittee in this work effort.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review – Department of Veterans’ Affairs

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-210

BACKGROUND and DESCRIPTION:

The Zero-Based Budgeting (ZBB) review is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product that includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The Legislative Budget Commission schedule for ZBB provides for the Department of Veterans’ Affairs to undergo ZBB review during the 2001-2002 interim.

PROJECT OBJECTIVE(S):

To monitor and assist the General Government appropriations subcommittee in this work effort. Process and analysis methodologies will be developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with final approval of the Legislative Budget Commission.

METHODOLOGY:

Monitor and assist the General Government appropriations subcommittee in this work effort.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of Homelessness Legislation

DATE DUE: N/A

PROJECT NUMBER: 2002-316

BACKGROUND and DESCRIPTION:

CS/CS/CS/SB 446 incorporates the recommendations of the Commission on the Homeless, establishing the State Office on Homelessness and the Council on Homelessness to address the problem of homelessness. This bill also reserves 5% of State Apartment Incentive Loan Program (SAIL) funds for housing programs serving homeless persons and appropriates funds for “Challenge Grants” and “Homeless Housing Assistance Grants” to fund homeless services and housing for the homeless.

PROJECT OBJECTIVE(S):

Monitor the actions of the Department of Children and Family Services and the distribution of grant funds to identify implementation problems and any necessary statutory changes for the 2002 Legislative Session.

METHODOLOGY:

Interview staff of the Department of Children and Family Services and the newly created State Office on Homelessness and the Council on Homelessness.

INTERIM MONITOR PROJECT TITLE:

Implementation of the Florida Building Code

DATE DUE: N/A

PROJECT NUMBER: 2002-317

BACKGROUND and DESCRIPTION:

This year the Legislature passed CS/CS/SB 336/190, a bill that delays implementation of the Florida Building Code from July 1, 2001 to January 1, 2002; implements a state product approval system; and addresses other technical issues relating to the Florida Building Code.

In addition, the Florida Building Commission will be coordinating initial training on the Florida Building Code, and researching the following issues: adoption of a rehabilitation code for the state; requiring all primary elevators in buildings with more than five levels to operate with a universal key, which allows access and operation of elevators by emergency personnel; and the types of specific needs appropriate to justify amendments to the Florida Building Code.

CS/CS/SB 336/190, also creates the Building Construction Permitting and Inspection Task Force to recommend a procedure for engineers or architects to perform plans review and inspection.

PROJECT OBJECTIVE(S):

To monitor the implementation of these provisions.

METHODOLOGY:

Monitor the actions and recommendations of the Florida Building Commission and review materials related to any proposed legislation. Monitor the actions and recommendations of the task force and review materials related to any proposed legislation

INTERIM MONITOR PROJECT TITLE:

Development of a Uniform Fiscal Impact Analysis Model

DATE DUE: N/A

PROJECT NUMBER: 2002-318

BACKGROUND and DESCRIPTION:

The Department of Community Affairs is receiving a \$500,000 appropriation to develop a uniform fiscal impact analysis model for the purpose of estimating the infrastructure costs of new development.

The development of such a model was a recommendation of the Growth Management Study Commission.

PROJECT OBJECTIVE(S):

Monitor the development of a fiscal impact analysis model as well as any field testing or pilot projects that are developed with local governments to test the model.

METHODOLOGY:

Interview the staff of the Department of Community Affairs, consultants hired to develop the model, and local government officials involved with developing or testing a uniform fiscal impact analysis model.

Criminal Justice

INTERIM PROJECTS

INTERIM PROJECT TITLE:

A Survey of the Jury's Role in Sentencing in Death Penalty Cases

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-128

BACKGROUND and DESCRIPTION:

The Supreme Court Workload Study Commission filed its final report on March 2, 2001, making recommendations which may decrease the workload of the Florida Supreme Court. One of the Commission's findings was that requiring a super-majority (at least 9-3) vote of the jury before a judge could impose the death penalty in a capital case, rather than a simple majority which is required under existing law, would reduce the workload of the court, although the Commission declined to recommend that the Legislature adopt such a change it did suggest further study of the issue. To that end, staff will undertake a survey of the role of the jury in the sentencing aspect of death penalty cases throughout the country. Issues such as whether the jury or the judge decide the sentence, whether the jury verdict is advisory in nature, the vote by which a jury makes its decision, the relative number of cases that result in a death sentence, and what, if any, effect the various sentencing procedures may have on death penalty case appeals will be examined. The information gathered will be compared to Florida's death penalty sentencing statutory provisions.

PROJECT OBJECTIVE(S):

This project is designed to survey other states' death penalty sentencing laws as they set forth the role of the jury and provide a comparison with Florida's law. Staff will produce a report explaining its findings.

METHODOLOGY:

Staff will conduct legal research on the jury's role in death penalty sentencing in other states and review relevant literature. Staff will also survey the primary administrative agencies of the court systems in other states for the purpose of gathering relevant data.

INTERIM PROJECT TITLE:

Sentencing Alternatives for Juveniles Indicted for Murder

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-129

BACKGROUND and DESCRIPTION:

During the 2001 Legislative Session, the issue of sentencing alternatives for juveniles indicted for murder came to the attention of this committee based upon several high profile cases involving juveniles who were indicted for murder. Questions were raised in the media about the lack of sentencing options for these juveniles. This project will examine other jurisdictions to determine what, if any, sentencing

options are used in these jurisdictions for juveniles indicted for murder. Staff will also review Florida's present statutory scheme and its history, as well as current practices for sentencing these juveniles. This project is relevant in its timeliness to sentencing juveniles who commit serious crimes. It can provide critical and definitive information to committee members who will be making sensitive policy decisions in this high-profile area.

PROJECT OBJECTIVE(S):

This project is designed to review other states' sentencing options for juveniles who are indicted for and ultimately convicted of murder, and compare those options with Florida's law. Staff will produce a report explaining staff's findings.

METHODOLOGY:

Staff will conduct legal research and review relevant literature in this area.

INTERIM PROJECT TITLE:

Review of Chapter 948, F.S., Concerning Probation and Community Control

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-130

BACKGROUND and DESCRIPTION:

With over 140,000 felons in Florida on probation and community control, ch. 948, F.S., describing the state's community supervision programs, and rules related thereto, is a critical and frequently used chapter of law. However, this chapter is poorly organized, lacks clarity and according to many criminal justice practitioners contains confusing, contradictory and obsolete provisions. Over the years, the chapter has been amended regularly and this has compounded the problem. There has not been a thorough statutory revision of this chapter in over ten years.

PROJECT OBJECTIVE(S):

This interim project will review ch. 948, F.S., and together with interested stakeholders, attempt to reach a consensus on what revisions are necessary to remove obsolete language, reconcile conflicting directives, and clarify the rules and regulations that have to be used by the courts, agencies, and officers in the field. Staff will produce a report explaining its findings.

METHODOLOGY:

Staff will conduct legal and legislative research on the laws concerning probation, and confer with professionals at the Department of Corrections and in the courts. Staff will also consider updated probation schemes from other states.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 914.27, F.S.

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-211

BACKGROUND and DESCRIPTION:

Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee created pursuant to s. 914.26, F.S., or the Department of Law Enforcement which discloses: the identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor pursuant to s. 914.25, F.S.; their immediate family members; or relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protection services afforded by s. 914.25, F.S.; or the identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence by reason of the victim's or witness's involvement in the investigation or prosecution giving rise to certification for protection or relocation pursuant to s. 914.25, F.S., is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Section 914.27, F.S., is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2002, unless reviewed and either retained or modified by the Legislature.

PROJECT OBJECTIVE(S):

To review the above-referenced statute to determine whether it should be retained or modified. Staff will produce a report explaining staff's findings and make a recommendation to the members.

METHODOLOGY:

Staff will conduct the necessary sunset review by engaging in research and surveying the interested parties.

INTERIM MANDATORY REVIEW TITLE:

Open Government Sunset Review of Section 943.031(7)(c) - (d), F.S.

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-212

BACKGROUND and DESCRIPTION:

Section 943.031(7)(c) - (d), F.S., provide, in part, that the record of any closed session and any public record, such as a tape recording, minutes and notes generated during the closed portion of a meeting of the Florida Violent Crime Council are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the criminal investigative information or criminal intelligence information ceases to be active. Section 943.031(7)(c) - (d), F.S., containing these public records exemptions, are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and the exemptions shall stand repealed on October 2, 2002, unless retained or modified by the Legislature.

PROJECT OBJECTIVE(S):

To review s. 943.031(7)(c) - (d), F.S., to determine whether it should be retained or modified. Staff will produce a report explaining staff's findings and make a recommendation to the members.

METHODOLOGY:

Staff will conduct the necessary sunset review by engaging in research and surveying the interested parties.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review – Capital Collateral Regional Counsel

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-213

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The Zero-Based Budgeting review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The Legislative Budget Commission has selected the Capital Collateral Regional Counsel offices as one of the state agencies to be reviewed this year through the zero-based budgeting review.

PROJECT OBJECTIVE(S):

Gather and process budgeting information from the Capital Collateral Regional Counsel that will assist members in setting appropriations priorities.

METHODOLOGY:

Staff will assist Appropriations staff in the budgeting review mandated by statute.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review – Parole Commission

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-214

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The Zero-Based Budgeting review, required by s. 216.1825, F.S., is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program

performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

The Legislative Budget Commission has selected the Florida Parole Commission as one of the state agencies to be reviewed this year through the zero-based budgeting review.

PROJECT OBJECTIVE(S):

Gather and process budgeting information from the Florida Parole Commission that will assist members in setting appropriations priorities.

METHODOLOGY:

Staff will assist Appropriations staff in the budgeting review mandated by statute.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

A Monitor of Florida's Sexual Predator and Offender Registration and Notification Laws

DATE DUE: N/A

PROJECT NUMBER: 2002-319

BACKGROUND and DESCRIPTION:

Florida law provides for state registration of certain sexual predators and sexual offenders. These offenders must provide specified identification information that is stored and maintained in a state database that is accessible by law enforcement agencies and the public. These registration and notification laws have been revised numerous times to streamline the registration and notification system, correct omissions in the law that hinder the system's effectiveness, and comply with federal requirements under 42 USC section 14071, the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program, and other provisions of federal law. A portion of federal Byrne grant funding that the State of Florida receives is contingent on the state's compliance with federal law. The Department of Law Enforcement, the Department of Corrections, and the Department of Highway Safety and Motor Vehicles are the three state agencies with statutory responsibility for sexual predator and sexual offender registration and notification. These agencies identify federal compliance issues as well as issues that may hamper the effectiveness of the laws, such as omissions that might allow certain sexual predators and sexual offenders to avoid the requirements of the laws.

PROJECT OBJECTIVE(S):

This monitor project will inform the committee about the agencies' assessments of whether there are any federal compliance issues or implementation issues not adequately addressed by the current sexual

predator and sexual offender registration and notification laws. The agencies' assessments may include changes to the law proposed by the agencies to address such issues.

METHODOLOGY:

Staff will meet or communicate with officials from the Department of Law Enforcement, the Department of Corrections, and the Department of Highway Safety and Motor Vehicles who have responsibility for administering the sexual predator and sexual offender registration and notification laws.

INTERIM MONITOR PROJECT TITLE:

A Monitor of the Enforcement and Prosecution of Florida's Money Laundering Laws

DATE DUE: N/A

PROJECT NUMBER: 2002-320

BACKGROUND and DESCRIPTION:

Florida's money laundering laws underwent sweeping changes in the 2000 Legislative Session. Most of these changes were to implement recommendations of the Legislative Task Force on Illicit Money Laundering. This joint legislative task force studied and recommended ways to enhance Florida's drug control strategy by defining the severity and extent of money laundering in Florida, particularly as it relates to the illicit drug trade. In hearings before the Task Force, state and local law enforcement agencies, state regulatory agencies, and state prosecutors identified issues with the enforcement and prosecution of the state money laundering laws and proposed changes to those laws. Most of these proposed changes were adopted by the Task Force in its recommendations relating to increasing the penalties for money laundering offenses, more closely patterning state law after federal law, and making it less difficult to admit evidence of money laundering. Some of these agencies have begun to make arrests and prosecute under the new money laundering laws and can provide an early assessment of the effectiveness of the enforcement and prosecution provisions of the new laws.

PROJECT OBJECTIVE(S):

This monitor project will inform the committee about the agencies' assessments of whether there are any enforcement and prosecution issues not adequately addressed by the new money laundering laws. The agencies' assessments may include changes to the laws proposed by the agencies to address such issues.

METHODOLOGY:

Staff will meet or communicate with state and local law enforcement officials, state regulatory agency officials, and state prosecutors who are currently enforcing or prosecuting under the new money laundering laws.

INTERIM MONITOR TITLE:

A Monitor of the Expansion of the DNA Data Bank and Survey of Comparable Activities in other States

DATE DUE: N/A

PROJECT NUMBER: 2002-321

BACKGROUND and DESCRIPTION:

This past session, the Legislature passed two laws affecting the DNA data bank operated by the Florida Department of Law Enforcement: SB 366 and HB 1425. SB 366 establishes a timetable to expand the DNA data bank to eventually include all convicted felons, and mandates collection of DNA samples from certain violent incarcerated felons prior to release. HB 1425 authorizes FDLE to collect and analyze biological specimens other than blood for inclusion into the DNA data bank. For example, FDLE will have to work with the Department of Corrections to acquire the biological samples from the incarcerated violent felons who must be tested prior to release. Also, FDLE will have to work with the Department of Corrections and other criminal justice entities to make test kits available utilizing a biological specimen (oral swab) other than blood. Examination and analysis of this information will allow the Legislature to know how well the DNA data bank is keeping up with these recently enacted statutory requirements.

PROJECT OBJECTIVE(S):

This monitor project will examine how the Florida Department of Law Enforcement implements SB 366 and HB 1425.

METHODOLOGY:

Staff will work primarily with the Florida Department of Law Enforcement to monitor its plan of action for implementing the new DNA testing requirements and options. Staff will also communicate with other interested parties, such as the Department of Corrections and local law enforcement, to determine the effectiveness of the implementation of FDLE's plan.

INTERIM MONITOR TITLE:

A Monitor of the Department of Correction's Implementation of SB 322 and it's Requirement to House Certain Inmates Under the Age of 18 Separately from Adult Offenders

DATE DUE: N/A

PROJECT NUMBER: 2002-322

BACKGROUND and DESCRIPTION:

This past session, the Legislature passed SB 322 requiring the Department of Corrections to arrange for separate housing for offenders under the age of 18 who are sentenced to the adult prison system. The legislation recognizes that there are some (approximately 75) offenders under the age of 18 who have been sentenced to adult prison and who, due to existing law limiting assignment, cannot be placed in a youthful offender facility.

PROJECT OBJECTIVE(S):

This monitoring project will examine how the Department of Corrections develops and executes it's plan to separate offenders under the age of 18 from adult offenders, in housing, food service, training and recreation.

METHODOLOGY:

Staff will meet with Department of Corrections officials in charge of classification and inmate assignment concerning the Department's plan to implement SB 322.

INTERIM MONITOR TITLE:

The Implementation of Legislation Relating to Criminal Rehabilitation

DATE DUE: N/A

PROJECT NUMBER: 2002-323

BACKGROUND and DESCRIPTION:

The Legislature passed CS/CS/SB 912, relating to criminal rehabilitation, during the 2001 Legislative Session. This legislation calls for a significant expansion of inmate transition programs, including faith-based programs. It requires the Department of Corrections to report to the Legislature on its progress in implementing this act, as well as requires the Legislative Committee on Intergovernmental Relations to report to the Legislature on the feasibility of providing effective intervention and treatment strategies for prostitutes who are detained in county detention facilities.

PROJECT OBJECTIVE(S):

Staff will monitor these and other issues necessary to effectively implement this legislation so that the committee will be well informed and members will be better prepared to address any need for additional legislation in this area.

METHODOLOGY:

Staff will attend any meetings related to the implementation of CS/CS/SB 912, as well as maintain communication with the Department of Corrections, the Legislative Committee on Intergovernmental Relations and other interested parties.

INTERIM MONITOR TITLE:

The Supreme Court's Implementation of Postconviction DNA Rule of Procedure

DATE DUE: N/A

PROJECT NUMBER: 2002-324

BACKGROUND and DESCRIPTION:

The Legislature enacted a postconviction DNA testing statute (effective October 1, 2001) during the 2001 Session. The Florida Supreme Court is considering implementing a postconviction DNA testing Rule of Procedure. This monitor project will follow the Court's hearings and decisions with regard to a new rule of procedure, how it affects the implementation of the statute, and whether there is a need for future legislative initiative in this area.

PROJECT OBJECTIVE(S):

To collect information with regard to the Supreme Court's implementation of the anticipated Rule of Procedure.

METHODOLOGY:

Staff will attend any hearings the Court holds on the proposed Rule and monitor the Court's implementation of the Rule.

INTERIM MONITOR TITLE:

Monitor of Courtroom and Prison Telecommunications

DATE DUE: N/A

PROJECT NUMBER: 2002-325

BACKGROUND and DESCRIPTION:

The Department of Management Services, State Technology Office, is in the process of gathering information to present to the Commission on Capital Cases regarding the feasibility of linking, through advanced telecommunication technology, the prisons with the courtrooms throughout the state. Staff will monitor the on-going discussion about this goal and any future legislation that may be necessary to achieve it.

PROJECT OBJECTIVE(S):

To collect information on the progress made by the State Technology Office, including potential cost savings which may be realized by the implementation of such a telecommunications system.

METHODOLOGY:

Staff will attend any meetings or workshops that may be held by the State Technology Office, the Office of State Courts Administration, the Commission on Capital Cases and any other interested parties.

INTERIM MONITOR TITLE:

The Implementation of Legislation Relating to Liquidated Damages and Funding Incentives by the Department of Juvenile Justice

DATE DUE: N/A

PROJECT NUMBER: 2002-326

BACKGROUND and DESCRIPTION:

The Legislature passed CS/CS/HB 267, relating to juvenile justice, during the 2001 Legislative Session. In an attempt to reduce or eliminate escapes, one of the sections in this bill requires the Department of Juvenile Justice to provide the Legislature with recommendations for funding incentives and disincentives for both department-operated and contractor-provided programs. The recommendations will also include the use of liquidated damages (the legislation prohibits the department from contracting for liquidated damages in non-hardware-secure facilities until January 1, 2002).

PROJECT OBJECTIVE(S):

Staff will monitor these issues so that the committee will be well informed as to the progress of the department on these issues.

METHODOLOGY:

Staff will communicate with staff of the Department of Juvenile Justice and attend meetings, if any are held, relevant to this topic.

Education

INTERIM PROJECTS

INTERIM PROJECT TITLE:

<i>Educational Facilities</i>

DATE DUE: November 1, 2001

PROJECT NUMBER: 2002-131

BACKGROUND and DESCRIPTION:

Continuing growth in the school age population, increasing demand for access to postsecondary education programs, and aging buildings are among several educational facilities issues facing policy makers and education administrators. Add to this the restructuring of education governance and the transfer of the Smart Schools Clearing House to the Department of Education and the time would seem appropriate for a comprehensive review of the state's public education capital outlay policies and procedures.

PROJECT OBJECTIVE(S):

In addition to a general review of capital outlay policies, the project will address the following specific objectives:

- An analysis of the Senate's recent school district capital outlay survey and identification of common issues with recommendations for legislative consideration.
- Recommendations for policy changes to create a coordinated capital outlay process within the Department of Education that will serve all public education delivery systems.
- Review of the Department of Education's prototype school design efforts with recommendations for future action.
- An examination of the impact and effectiveness of the 1997 Special Session capital outlay legislation with recommendations for policy changes if needed.
- Identification and examination of student station cost variations among the school districts.
- An examination of capital outlay funding need and adequacy for all public education delivery systems. Included will be a review of the use and effectiveness of the \$2.7 billion made available for public school construction in the 1997 Special Session of the Legislature.

METHODOLOGY:

The Education Committee staff will work in conjunction with staff from the Appropriations Committee to review appropriate documents and reports, meet with state and local agency staff, conduct telephone and electronic surveys as needed, make facilities site visits, and meet with private sector architects and construction experts. Staff findings will be presented in a written report including recommendations for policy changes.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

School Code Review

DATE DUE: December 1, 2001

PROJECT NUMBER: 2002-215

BACKGROUND and DESCRIPTION:

Pursuant to ch. 2000-321, L.O.F., the Legislature must review designated sections of the Florida Statutes, including the Florida School Code, that are related to the organizational structure of the Department of Education, and the governance and operation of the state universities. The designated laws stand repealed January 7, 2003, unless reenacted or amended by the Legislature prior to that date. The statutes subject to review address such issues as the structure and functions of the Department of Education, vocational and adult education, and the state's systems and institutions offering postsecondary education.

PROJECT OBJECTIVE(S):

The primary objective of the project is to review the laws scheduled for repeal, and the School Code in general, to identify and recommend statutory changes necessary to make the laws consistent with the education governance reorganization measure passed by the 2001 Legislature. Specifically, to recommend a statutory framework that will support a smooth transition from a centrally governed state university system to a system of independently governed institutions, and to suggest a statutory management structure that will enable the administration of a seamless, k-20 education system.

METHODOLOGY:

Committee staff will work with Appropriations Committee staff and agency staff to conduct a systematic review of the School Code, with particular attention directed toward laws scheduled for repeal, to identify technical modifications that need to be made to accommodate education governance changes enacted by the Legislature in 2000 and 2001. Recommendations for changes or continuation of existing law will be made on a scheduled basis for review, debate, and public comment at interim meetings of the Education Committee, and the end product of this process will be submitted in bill form for consideration by the 2002 Legislature.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Education Governance Reorganization

DATE DUE: N/A

PROJECT NUMBER: 2002-327

BACKGROUND and DESCRIPTION:

The following changes were initiated in SB 1162. They will require implementation activities by staff of state and local education agencies and appointed and elected officials.

- New College of Florida – accreditation process, coordination of campus activities with USF
- St. Petersburg College – accreditation process, articulation of AS to BS programs as prototype for possible statewide articulation agreements
- St. Petersburg (Bayboro) and Sarasota/Manatee fiscally autonomous campuses of the University of South Florida – accreditation process, effectiveness of Campus Board and Campus Executive Officer
- Review and approval process for other community colleges that may wish to initiate 4-year baccalaureate programs
- Activities of university boards of trustees
- Faculty productivity study
- Bright Futures Testing Program
- Implementation activities of transition, including Education Governance Reorganization Transition Task Force, Council for Education Policy Research and Improvement, K-20 leadership teams, Commission on Independent Education
- Transition of early childhood programs to the Agency for Workforce Innovation

PROJECT OBJECTIVE(S):

Keep apprised of developments during the transition to a reorganized statewide education system. Identify potential problems or opportunities that could require Legislative oversight, including the benefits of accelerating or delaying any of the activities listed above.

METHODOLOGY:

Attend selected meetings of college and university Boards of Trustees, Education Governance Reorganization Transition Task Force, Florida Board of Education, Council for Education Policy Research and Improvement, K-20 leadership teams, and Commission on Independent Education. In coordination with staff of the Education Subcommittee of the Appropriations Committee, review data and conduct interviews with staff regarding CLEP testing, transition of programs and functions, and faculty productivity.

INTERIM MONITOR PROJECT TITLE:

Teacher Recruitment and Retention

DATE DUE: N/A

PROJECT NUMBER: 2002-328

BACKGROUND and DESCRIPTION:

In CS/CS/HB 1163, the 2001 Legislature made innovative changes in teacher recruitment and retention measures, including alternate routes to certification, district-level certification of adjunct educators, and a research project on teacher effectiveness.

PROJECT OBJECTIVE(S):

Monitor implementation of provisions of the legislation and identify any problems that should be avoided or successes that should be replicated.

METHODOLOGY:

Staff will participate in deliberations required to implement changes in teacher recruitment and retention programs required by CS/CS/HB 1163, especially development of the required alternate routes to certification and the DOE research project on teacher effectiveness. This activity may require some staff travel.

INTERIM MONITOR PROJECT TITLE:

Student Learning Gains

DATE DUE: N/A

PROJECT NUMBER: 2002-329

BACKGROUND and DESCRIPTION:

Beginning in 2003, school grades must be based primarily on student learning gains, as measured by state assessments. In addition, each district is required to reserve at least 5 percent of its funds for teacher salaries to use as rewards for teachers whose students improve in learning.

The 1999 Legislature required the state to implement a specific method of measuring the student learning gains. In CS/HB 1633, the 2001 Legislature altered these requirements. Instead of a prescribed methodology, the Department of Education will evaluate and select from a number of alternatives.

School grades will be based on student learning gains, as measured by annual FCAT assessments in grades 3-10, and on improvement of the lowest twenty-fifth percentile of students in the school in reading, writing and math, unless those students are performing above satisfactory performance.

Many interest groups have opposed these calculations. Most controversial is the fact that the calculations require students to be assigned to teachers so that learning gains may be attributed in part to the effectiveness of the teacher.

PROJECT OBJECTIVE(S):

Monitor the calculation of student learning gains and assess the Department of Education's selection of a methodology. Identify at which levels student learning gains should be reported, state, district, school, or teacher?

METHODOLOGY:

Review literature, especially from other states in which student learning gains are evaluated. Staff will participate in deliberations required to develop measures of annual student learning gains, including attributing gains to the effect of the teacher, school, and district ("value added" assessment).

INTERIM MONITOR PROJECT TITLE:

Workforce Development Education

DATE DUE: N/A

PROJECT NUMBER: 2002-330

BACKGROUND and DESCRIPTION:

The performance-based funding formula for workforce development education was fully implemented in 2000, and school districts and community colleges report that they have significantly modified their programs to meet the intended outcomes. They also report that these changes have not benefited them fiscally because they cannot generate more funds based on performance.

PROJECT OBJECTIVE(S):

Assess the extent of programmatic changes and the effect of those changes on the preparation of the workforce.

METHODOLOGY:

Staff will review documents, consult staff, and attend meetings to find out how community colleges and technical centers have modified workforce development programs to benefit from the funding formula.

INTERIM MONITOR PROJECT TITLE:

Implementation of Corporate Tax Credits and Contributions for Scholarships

DATE DUE: N/A

PROJECT NUMBER: 2002-331

BACKGROUND and DESCRIPTION:

The Department of Revenue and the Department of Education must develop a cooperative agreement to assist in the administration of the legislation. The Department of Education must adopt necessary rules to determine the eligibility of nonprofit scholarship-funding organizations and identify qualified students.

Although the effective date of the legislation is January 1, 2002, it is anticipated that the Department of Education will begin developing proposed rules and a cooperative agreement with the Department of Revenue prior to that date.

PROJECT OBJECTIVE(S):

The purpose of monitoring this part of the legislation is to identify any particular areas of concern that emerge during the initial rulemaking process, including areas that could be addressed in subsequent legislation.

METHODOLOGY:

The methodology involves the review of relevant documents and discussions with personnel from the Florida Department of Education, as well as others, including staff from the House of Representatives and the Senate Committee on Finance and Taxation. Committee staff will also monitor meetings related to the development of administrative rules by the Department of Education.

INTERIM MONITOR PROJECT TITLE:

Best Practices for School Safety and Security and School Victimization Policies

DATE DUE: N/A

PROJECT NUMBER: 2002-332

BACKGROUND and DESCRIPTION:

Chapter 2001-125, L.O.F., resulted in changes to the best practices for safety and security. Another measure (Chapter 2001-86, L.O.F.) also amended provisions of law related to best practices for safety and security. As well, the legislation contains new provisions related to school victimization policies.

PROJECT OBJECTIVE(S):

The purpose of monitoring these provisions is to identify any particular areas of concern that emerge during the initial implementation process, including areas that could be addressed in subsequent legislation. Areas of particular interest include the following:

- Guidelines in the cooperative agreement between the school districts and the Department of Juvenile Justice for “no contact” orders entered by the court;
- Notification by the Department of Juvenile Justice to school districts about court action involving students;
- School district zero tolerance policies for victimization of students;
- School district self-assessments of current safety and security practices; and
- Recommendations made by the Office of Program Policy Analysis and Government Accountability and the Partnership for School Safety and Security for changes to safety and security best practices.

METHODOLOGY:

Committee staff will review documents and participate in discussions with personnel from the Florida Department of Education and others, including the Department of Juvenile Justice and staff for the Senate Criminal Justice Committee. Committee staff will also monitor meetings between the Department of Education and the Department of Juvenile Justice and meetings of the Partnership for School Safety and Security.

INTERIM MONITOR PROJECT TITLE:

John McKay Scholarships for Students with Disabilities

DATE DUE: N/A

PROJECT NUMBER: 2002-333

BACKGROUND and DESCRIPTION:

The 2001 Legislature amended s. 229.05371, F.S., to clarify procedures for the scholarship program for students with disabilities. Under the John McKay Scholarships for Students with Disabilities Program, a student with a disability for whom an individual education plan has been written is provided the option of attending a different public school of choice or a private school that participates in the scholarship program. The student must have been enrolled at a Florida public school in the previous October and February Florida Education Finance Program (FEFP) surveys.

The program that began as a pilot program in 1999 now has approximately 1,000 participants in approximately 120 private schools. The changes in the 2001 legislation include a method for calculating the scholarship amount and the option of enrolling during the school year. The parent must notify the school district in writing of intent to participate in the program at least 60 days prior to the first scholarship payment.

A school district must notify parents of students with disabilities of the opportunity to attend a public school of their choice or apply for a scholarship. The district must complete a matrix of services under s. 236.025, F.S., for scholarship applicants who do not have such a matrix and must notify the Department of Education (DOE) of the student's matrix level. The district must provide scholarship students the opportunity to take the statewide assessments under s. 229.57, F.S.

PROJECT OBJECTIVE(S):

The Education Committee staff will monitor the implementation of the new program changes to assess their effectiveness in improving the notification, enrollment, and payment process to the satisfaction of students and their families, private school providers, and the affected public agencies. Recommendations will be presented for additional statutory changes, if needed.

METHODOLOGY:

Committee staff will interview administrators of the program in the Department of Education, representatives of participating private schools, and school district representatives regarding the implementation of the revised statute. A survey of parents will be conducted to identify issues related to the scholarship program.

INTERIM MONITOR PROJECT TITLE:

School Administrators' Terminal Pay

DATE DUE: N/A

PROJECT NUMBER: 2002-334

BACKGROUND and DESCRIPTION:

The 2001 Legislature enacted ch. 2001-103, L.O.F., limiting terminal pay for newly employed public school administrators to 60 days for accumulated sick leave and 60 days for accumulated annual leave; and limiting terminal pay for newly employed community college administrators to 60 days for accumulated, unused sick leave. The new provisions are prospective and do not affect leave time accumulated by administrators prior to July 1, 2001.

PROJECT OBJECTIVE(S):

The main objective of the project will be to determine the degree to which school district and community college personnel policies reflect the terminal pay changes, and to identify any implementation difficulties. A long-range objective will be to identify any reduction in long-term financial obligations realized by school districts and community colleges as a result of the changes in terminal pay policies.

METHODOLOGY:

Access and review the content of a selected sample of school district and community college personnel policies for consistency with the new law. Survey school districts and community colleges to identify possible problems with implementation. Work with staff of the Appropriations Committee to develop a process for identifying long-term savings resulting from the terminal pay limits.

Ethics and Elections

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Revision of Election Administration Portions of the Florida Election Code

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-132

BACKGROUND and DESCRIPTION:

The Florida Election Code has been periodically amended over many years, resulting in a number of conflicting provisions. In addition, the Code has several archaic provisions and terms. This present lack of clarity and order makes the Code difficult for both the public and election officials to comprehend and follow. The project will recommend statutory changes to resolve ambiguities and remove unnecessary provisions.

PROJECT OBJECTIVE(S):

The project objective is to provide for a clear and orderly Election Code that will be easy to understand.

METHODOLOGY:

Staff will thoroughly review Chapters 97-104, Florida Statutes. Staff will also work with the Florida State Association of Supervisors of Elections and the Division of Elections of the Department of State to identify problems they have encountered in administering these provisions of the Election Code. Staff will reorder the code sections, clarify confusing language, provide consistency and uniformity, and remove archaic or unnecessary terms and provisions in the administrative portions of the Code. The project will not address the provisions of the Code embracing nonpartisan elections and campaign financing (Chapters 105 and 106, Florida Statutes).

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Confidentiality of Ethics Complaints

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-216

BACKGROUND and DESCRIPTION:

Section 112.324(1), F.S., exempts from disclosure all proceedings, complaints, and other records relating to a preliminary investigation of a complaint alleging violation of the Code of Ethics for Public Officers and Employees or alleged breach of the public trust within the jurisdiction of the Commission on Ethics. The records and proceedings become public when the alleged violator requests that the

investigation and records be made public or when the preliminary investigation is completed. This exemption will stand repealed on October 2, 2002, unless reviewed and reenacted by the Legislature.

PROJECT OBJECTIVE(S):

To determine whether the current public records and public meetings exemptions in s. 112.324(1), F.S., for proceedings, complaints and records relating to the preliminary investigation of ethics complaints should be retained, modified, or repealed, pursuant to the criteria specified in the Open Government Sunset Review Act.

METHODOLOGY:

Staff will determine what specific records and meetings are affected, how the exemption affects the person accused, and what impact repeal of the exemption would have on the ability to investigate the complaint. In addition, staff will determine the public purpose of the exemption and address all criteria specified in s. 119.15, F.S. To assist with these determinations, staff will interview the staff of the Commission on Ethics and other interested parties.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Implementation of the 2001 Election Reform Act

DATE DUE: N/A

PROJECT NUMBER: 2002-335

BACKGROUND and DESCRIPTION:

The 2001 Election Reform Act requires the Department of State to adopt rules on a number of subjects, including voter education, poll worker training, and recount standards and procedures. In addition, the Department will be conducting a time zone study. Finally, it will begin the implementation of a statewide voter registration database, in conjunction with the Florida Association of Court Clerks. Committee staff will monitor the Department's activities with regard to these issues.

PROJECT OBJECTIVE(S):

To monitor the rulemaking progress of the Division of Elections of the Department of State, as well as the time zone study and the implementation of the statewide database.

METHODOLOGY:

In addition to attending rulemaking workshops and hearings, committee staff will meet with the staff of the Division of Elections of the Department of State on a regular basis to determine the progress of their required activities.

Finance and Taxation

INTERIM PROJECTS

(None)

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

<i>Monitoring the Commission on the Siting of Insurance Excise Taxes</i>

DATE DUE: N/A

PROJECT NUMBER: 2002-336

BACKGROUND and DESCRIPTION:

This commission was mandated in a proviso to Specific Appropriation 2789 of the General Appropriations Bill of 2001. The commission is directed to develop one or more methodologies which appropriately identify the property location for the collection of excise taxes on insurance premiums pursuant to ss. 175.101 and 185.08, F.S. These methodologies must provide that the municipalities and special districts receive at least as much revenue as each received in 2001. The staffs of the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committees will provide administrative support to the commission, and will monitor the progress and recommendations of the commission.

PROJECT OBJECTIVE(S):

The Finance and Taxation Committee will monitor the progress and recommendations of the commission and will provide administrative support as needed.

METHODOLOGY:

The Finance and Taxation Committee staff will attend meetings of the commission, and, with the House Fiscal Policy and Resources Committee staff, will provide administrative support.

INTERIM MONITOR PROJECT TITLE:

<i>Monitoring the Advisory Committee on Property Taxation of Airports, Seaports, Other Public Facilities, and Special Districts</i>

DATE DUE: N/A

PROJECT NUMBER: 2002-337

BACKGROUND and DESCRIPTION:

This advisory committee was created in SB 1576, and is directed to study the taxation of airport and seaport property, and may also consider taxation of other public facilities and issues relating to special districts. It must submit a report on or before October 1, 2001. This committee will be considering topics that were raised in several bills referred to the Finance and Taxation Committee in the 2001 legislative session, and it is in the state's interest that a sound, uniform policy on these topics be developed.

PROJECT OBJECTIVE(S):

The Finance and Taxation Committee will monitor the advisory committee and be aware of the issues discussed and recommendations made by the committee.

METHODOLOGY:

The Finance and Taxation Committee staff will attend meetings of the advisory committee on property taxation of airports, seaports, other public facilities, and special districts.

INTERIM MONITOR PROJECT TITLE:

Streamlined Sales Tax Project

DATE DUE: N/A

PROJECT NUMBER: 2002-338

BACKGROUND and DESCRIPTION:

The Streamlined Sales Tax Project was formed in 2000 to design and implement a simplified sales tax collection system that can be used by traditional bricks-and-mortar vendors and vendors involved in e-commerce. House Bill 21 created s. 213.256, F.S., the "Simplified Sales and Use Tax Administration Agreement", authorizing Florida to participate in the next phase of discussions with other states for the purpose of developing a multi-state, voluntary, streamlined system for the collection and administration of state and local sales and use taxes.

PROJECT OBJECTIVE(S):

The Finance and Taxation Committee will monitor Florida's involvement in the development of the streamlined system with other participating states.

METHODOLOGY:

The Finance and Taxation Committee staff will attend meetings of the Streamlined Sales Tax Project.

INTERIM MONITOR PROJECT TITLE:

State Tax Reform Task Force

DATE DUE: N/A

PROJECT NUMBER: 2002-339

BACKGROUND and DESCRIPTION:

Chapter 2000-222, Laws of Florida, created the “State Tax Reform Task Force”. The task force was created to examine the state’s tax structure and make recommendations on how it can be improved to ensure a stable revenue base that is adequate to fund the needs of the state. The task force is staffed by the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committee. The task force held meetings in August, September, and October 2000, and January 2001, and published an interim report on February 1, 2001. The task force must submit a final report by February 1, 2002.

PROJECT OBJECTIVE(S):

The Finance and Taxation Committee will continue to provide staff support to the task force and will take responsibility for producing the task force’s final report.

METHODOLOGY:

The Senate Finance and Taxation Committee, along with the House Fiscal Policy and Resources Committee, will provide staff support to the task force to enable the task force members to continue their examination of the state’s tax structure.

Governmental Oversight and Productivity

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Chapter 287 Competitive Procurement Process For The Acquisition Of Property And Services

DATE DUE: November 1, 2001

PROJECT NUMBER: 2002-133

BACKGROUND and DESCRIPTION:

Part I of ch.. 287, Florida Statutes, provides competitive bidding requirements for the approximately \$12 billion spent each year by state agencies for personal property and services. Representatives of Executive Branch agencies have indicated that the current competitive bidding process is problematic because of its concern with time-consuming process. The passage of SB 1738 by the 2001 Legislature attempted to address some of these concerns by creating two new methods of procurement: invitations to negotiate and requests for quotes.

PROJECT OBJECTIVE(S):

The objective of the project is to determine the effectiveness of the new procurement process changes and to evaluate whether additional clarifying changes to ch.. 287, F.S., are warranted.

METHODOLOGY:

The project will involve meeting with staff of the State Technology Office and the Department of Management Services to review implementation of the new procedures.

INTERIM PROJECT TITLE:

Improved Choices For And Long-Term Financial Security Of State Employee Health Insurance

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-134

BACKGROUND and DESCRIPTION:

Providing health and prescription drug benefits to state employees and their dependents and to retirees has always been expensive. In recent years cost increases and management difficulties have also made it financially precarious. This budget year the Legislature had to address a \$61 million deficit in recurring operating expenses. For FY 2003 that deficit rises fourfold to \$225 million, fully depleting all plan reserves. Absent a significant infusion of cash or a major change in employee-borne expenses, there will be insufficient funds to maintain the plan in its present form.

PROJECT OBJECTIVE(S):

The project seeks to review the nature of past and current problems in an attempt to establish a workable framework to minimize the known financial difficulties faced next year. It also will review the philosophy of coverage, the incidence of premium and out-of-pocket expense, and discuss other promising changes to the provision of this essential employee benefit.

METHODOLOGY:

The project will review consultant reports commissioned this year through the appropriations process and undertaken by the Department of Management Services. It will use the services of OPPAGA and the consensus estimating conference process to focus on historical and projected financial impacts.

INTERIM PROJECT TITLE:

Making The Multiple Exemptions To Florida's Public Records Laws Easier To Locate

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-135

BACKGROUND and DESCRIPTION:

The current provisions contained in ch. 119, Florida Statutes, on public records began as only a short list of items in 1966. As this chapter has been amended over the years, it has become increasingly disjointed and repetitive. As a result, similar topics are spread throughout the chapter and it has become increasingly difficult for both the trained user and the general public to find all relevant information in one section of the chapter. The large number of filed public records exemption bills in the Legislature could also be reduced if there were some form of generic exemptions for like material. For example, creating a single exemption against the use of Social Security numbers in the possession of any agency and a publicly accessible identifier would eliminate the need for agency-by-agency enactments prohibiting the same thing.

PROJECT OBJECTIVE(S):

The project seeks to organize the ch. 119 exemptions in a fashion that makes them easier for the public to locate, perhaps by grouping them topically under related section headings. Additionally, the project will explore whether the creation of uniform exemptions can be created to avoid repetitiveness among like exemptions. The project itself does not seek to make additions to the list of exempted material, only to organize that which is in current law in an easier-to-access manner.

METHODOLOGY:

Work with interested governmental and non-governmental parties in reformatting ch. 119, Florida Statutes, to make exemption access easier. The House of Representatives has expressed its interest in this project as well.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review - Department Of Management Services

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-217

BACKGROUND and DESCRIPTION:

The Department of Management Services is scheduled for its agency review under the revised schedule for the zero-based initiative. In coordination with the Appropriations Committee, the project

will entail building the agency and its several cross-governmental functions from the ground-up. The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The ZBB review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services, and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenue, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

Experience from the prior year showed that this effort is extremely labor-intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and both House and senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and Senate, with review and approval of the Legislative Budget Commission.

PROJECT OBJECTIVE(S):

Identify the critical complement of services required for the maintenance of a state government infrastructure.

METHODOLOGY:

Work with the appropriate subcommittee staff of the Appropriations Committee and review the necessary internal documents and long-range program plans for the agency.

MONITOR PROJECTS

INTERIM PROJECT TITLE:

Implementation Of Public Employment Reform

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-340

BACKGROUND and DESCRIPTION:

The 2001 Legislature passed and the Governor signed into law CS/SB 466, the most comprehensive reform of state-level public employment laws in more than a decade.

PROJECT OBJECTIVE(S):

The project will monitor implementation of these changes by the Department of Management Services and the affected state agencies to determine the need for subsequent technical or policy changes.

METHODOLOGY:

The activity will entail meeting with affected state agencies and interested parties and reviewing actions taken to implement the new statutes.

INTERIM PROJECT TITLE:

Implementation Of Information Technology Reform

DATE DUE: N/A

PROJECT NUMBER: 2002-341

BACKGROUND and DESCRIPTION:

During the 2001 Session the legislature passed SB 1783 and HB 1811, bills that substantially modified provisions of law relating to public sector information technology. These modifications included:

Creating the State Technology Office (STO) within the Department of Management Services.

Expanding the duties and responsibilities of the STO.

Authorizing an 18-month pilot project for the Internet publication of notices normally published in the Florida Administrative Weekly.

Modifying state agency procurement methods.

PROJECT OBJECTIVE(S):

The purpose of the project will be to monitor the Executive Branch's implementation of the bills' changes and to determine the need for any future technical or policy modifications.

METHODOLOGY:

Meet with affected agency personnel and review implementation steps.

INTERIM MONITOR PROJECT TITLE:

Implementation Of Optional Retirement Program

DATE DUE: N/A

PROJECT NUMBER: 2002-342

BACKGROUND and DESCRIPTION:

The year 2002 brings with it the implementation of an alternative, employee-owned retirement choice. The 2001 Legislature provided additional clarifying authority for its operation, including an IRS-required trust fund (SB 2, HB 503). Of considerable interest will be the size of the employee group that seeks to switch plans. This is of significance since the actuarial assumptions built into the Florida Retirement System recognize the savings attributable to these departures in the early years, thus adding to the plan surplus in the short-term. The past two legislatures have used these surplus amounts to fund plan improvements and other public policy initiatives.

PROJECT OBJECTIVE(S):

Monitor the progress of the State Board of Administration and the Department of Management Services' implementation to determine if any corrective actions are required.

METHODOLOGY:

Monitor the periodic meetings held by the State Board and its recommended alternative investment providers for the optional plan.

Health, Aging and Long-Term Care

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Long-term Care Alternatives to Nursing Homes

DATE DUE: November 1, 2001

PROJECT NUMBER: 2002-136

BACKGROUND and DESCRIPTION:

Over the past 20 years Florida and other states have experimented with a variety of long-term care delivery mechanisms with the goal of reducing reliance on nursing homes as sites for delivery of long-term, custodial care for the elderly. Although many of these projects have met with varying degrees of success, most have not evolved into successful, broadly implemented strategies for providing home or community-based long-term care services specifically directed at diverting individuals most likely to require long-term custodial nursing home care. This project will review the current system of delivering long-term care services in Florida and selected other states, and make recommendations regarding system enhancements and alternative long-term care delivery models.

The Task Force on Availability and Affordability of Long-Term Care estimated that the number of individuals in need of long-term care will grow by 42 percent between 1995 and 2010. At this rate of growth public expenditures for long-term care services are projected to increase by \$3 billion dollars. Under the current distribution of long-term care resources, 85 percent of these funds will be for nursing home care.

PROJECT OBJECTIVE(S):

The interim project will make recommendations for changes the long-term care delivery system for the elderly to assist the state to meet the growing need for service delivery systems that are less reliant on nursing home care.

METHODOLOGY:

Committee staff will meet with staff of the executive agencies responsible for the planning and administration of long-term care nursing home alternative programs; review nursing home and alternative program demographic, impairment and operational data; review relevant national literature; and review other states' programs providing similar types of care.

INTERIM PROJECT TITLE:

An Overview of the Long-Term Care and Managed Care Ombudsman Programs

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-137

BACKGROUND and DESCRIPTION:

Section 400.0061, F.S., provides legislative intent that the rights, health, safety and welfare of residents in long-term care facilities be ensured. The Legislature also intends that independent and voluntary citizen ombudsmen should discover, investigate and determine the presence of circumstances which constitute a threat to the rights, health, safety and welfare of long-term care residents. The Managed Care Ombudsman Program is to be located for administrative purposes within the Department of Elderly Affairs, but is to be autonomous of the department.

Section 641.60, F.S., provides for a Managed Care Ombudsman Program within the Agency for Health Care Administration to ensure consumer protection and advocacy for managed care organization subscribers. The program is to protect the health, safety and welfare of subscribers to managed care plans.

This project involves review and analysis of the Long-Term Care and Managed Care Ombudsman programs, including: functions, organizational placement, funding, training, infrastructure support, relationship to other government programs and role as “regulator” versus “advocate.”

PROJECT OBJECTIVE(S):

This project would review the operations of the Long-Term Care and Managed Care Ombudsman programs to determine if they are complying with statutory requirements and are providing adequate protection to recipients of long-term care and managed care organization subscribers.

METHODOLOGY:

Staff will review the history, implementation and effectiveness of the Long-Term Care and Managed Care Ombudsman programs and research similar programs in other states. Staff will seek data and input from the Department of Elderly Affairs and the Agency for Health Care Administration, other relevant state agencies, health care providers, managed care organizations and other interested stakeholders to determine if ss. 400.0061, F.S., et seq., and ss. 641.60, F.S., et seq., should be revised.

INTERIM PROJECT TITLE:

Review of the Implementation of the Statewide Provider and Subscriber Assistance Program

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-138

BACKGROUND and DESCRIPTION:

Section 641.47(1), F.S., defines the term “adverse determination” to mean a coverage determination by a health maintenance organization or prepaid health clinic that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, does not meet the organization’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and coverage for the requested service is therefore denied, reduced, or terminated. An adverse determination may be the basis for a grievance. A subscriber who chooses to challenge an adverse determination or file another type of grievance is required, under Florida law, to first go through the managed care entity’s internal grievance procedure. Once a final decision is rendered through this process, if unsatisfactory to the subscriber, then the subscriber may appeal through a binding arbitration process provided by the managed care entity or to the Statewide Provider and Subscriber Assistance Program.

Section 408.7056, F.S., requires the Agency for Health Care Administration to implement the Statewide Provider and Subscriber Assistance Program to assist consumers of managed care entities with grievances that have not been satisfactorily resolved through the managed care entity's internal grievance process. The program can hear grievances of subscribers of health maintenance organizations, prepaid health clinics and exclusive provider organizations. Grievances submitted to the program are considered by a panel that consists of seven permanent members, four alternates, and a specialist physician when needed. Hearings are public, unless a closed hearing is requested by the subscriber or a portion of a hearing may be closed by the panel when deliberating information of a sensitive personal nature such as medical records. In addition to the hearings, the panel must meet as often as necessary to timely review, consider, and hear grievances about disputes between a subscriber or a provider on behalf of a subscriber and a managed care entity. Following its review, the panel must make a recommendation to the Agency for Health Care Administration or the Department of Insurance. The recommendation may include specific actions the managed care entity must take to comply with state laws or rules regarding such entities. The agency or department may adopt all or some of the panel's recommendations and may impose administrative sanctions on the managed care entity.

PROJECT OBJECTIVE(S):

This project would review the Agency for Health Care Administration's implementation of the Statewide Provider and Subscriber Assistance Program to determine if the program is complying with statutory requirements and if the program provides adequate protection to subscribers of managed care entities.

METHODOLOGY:

Staff will review the history, implementation, and effectiveness of the Statewide Provider and Subscriber Assistance Program and research similar programs in other states. Staff will seek data and input from the Agency for Health Care Administration, other relevant state agencies, health care providers and other interested stakeholders to determine if s. 408.7056, F.S., or any relevant laws should be revised.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Review of Public Records Exemption in s. 456.046, F.S., relating to Practitioner Profiles

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-218

BACKGROUND and DESCRIPTION:

Section 456.046, F.S., provides exemptions from the disclosure requirements of ch. 119, F.S., relating to public records and s. 24(a), Art. I of the State Constitution for patient records and other data maintained by the Department of Health or its agent for purposes of compiling a practitioner profile. Section 456.046, F.S., also provides that any information or record that the Department of Health obtains from the Agency for Health Care Administration or any other governmental entity for the purpose of compiling a practitioner profile or substantiating other information or records submitted for that purpose that was exempt from the provisions of ch. 119, F.S. and s. 24(a), Art. I of the State Constitution shall remain exempt. Section 456.046, F.S., is subject to the Open Government Sunset Review Act of 1995 codified at s. 119.15, F.S., and expires on October 2, 2002, unless reviewed and saved from repeal by reenactment of the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the provision making patient records and other data maintained by the Department of Health or its agent for purposes of compiling a practitioner profile exempt from public disclosure should be continued or modified pursuant to the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provision and applicable law pursuant to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Department of Health, Agency for Health Care Administration, other governmental agencies, professional associations and other interested stakeholders to determine if any aspects of s. 456.046, F.S., should be revised.

INTERIM MANDATORY REVIEW TITLE:

Review of Public Records and Meetings Exemptions for Psychotherapy Regulation

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-219

BACKGROUND and DESCRIPTION:

Sections 490.00515 and 491.0047, F.S., provide exemptions from the disclosure requirements of chapter 119, F.S., relating to public records, s. 286.011, F.S., relating to public meetings and s. 24(a) and (b), Art. I of the State Constitution for information concerning participation in the impaired practitioner treatment program, disciplinary complaints and related investigative information, and the proceedings of the probable cause panel for health care professionals under the regulatory jurisdiction of the Department of Health applicable to: provisionally licensed psychologists under ch. 490, F.S.; registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, and provisionally licensed clinical social workers, marriage and family therapists, and mental health counselors under ch. 491, F.S. Sections 490.00515 and 491.0047, F.S., are scheduled for repeal on October 2, 2002, unless reviewed and saved from repeal by reenactment by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the provisions of ss. 490.00515 and 491.0047, F.S., making specified records and meetings relating to the regulation of provisionally licensed psychologists under ch. 490, F.S.; registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, and provisionally licensed clinical social workers, marriage and family therapists, and mental health counselors under ch. 491, F.S., exempt from the Public Records and Public Meetings Laws should be continued or modified pursuant to the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provision and applicable law pursuant to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Department of Health, Agency for Health Care Administration, professional associations and other interested stakeholders to determine if any aspects of ss. 490.00515 and 491.0047, F.S., should be revised.

INTERIM MANDATORY REVIEW TITLE:

Review of Public Records/Meetings Exemptions for the Managed Care Ombudsman Program

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-220

BACKGROUND and DESCRIPTION:

Sections 641.67 and 641.68, F.S., provide exemptions from the disclosure requirements of chapter 119, F.S., relating to public records, s. 286.011, F.S., relating to public meetings and s. 24(a) and (b), Art. I of the State Constitution for information concerning complaints filed with the statewide and district managed care ombudsman committees by subscribers to managed care organization health insurance plans under s. 641.67, F.S. Sections 641.67 and 641.68, F.S., are scheduled for repeal on October 2, 2002, unless reviewed and saved from repeal by reenactment by the Legislature. Section 119.15(2), F.S., provides that an exemption is to be maintained only if: the exempted record or meeting is of a sensitive, personal nature concerning individuals; the exemption is necessary for the effective and efficient administration of a governmental program; or the exemption affects confidential information concerning an entity.

PROJECT OBJECTIVE(S):

To determine if the exemption from the Public Records and Public Meetings Laws of ss. 641.67 and 641.68, F.S., should be continued or modified pursuant to the criteria specified in the Open Government Sunset Review Act of 1995.

METHODOLOGY:

Staff will review the provisions and applicable law pursuant to the criteria specified in the Open Government Sunset Review Act of 1995. Staff will seek input from the Agency for Health Care Administration, professional associations, managed care organizations and other interested stakeholders to determine if any aspects of ss. 641.67 and 641.68, F.S., should be revised.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitor Implementation of CS/CS/CS/SB 1202

DATE DUE: N/A

PROJECT NUMBER: 2002-343

BACKGROUND and DESCRIPTION:

Nursing Homes and Related Facilities is the subject of ch. 400, F.S. Part II of ch. 400, F.S., provides for the regulation of nursing homes and part III of ch. 400, F.S., provides for the regulation of assisted living facilities. The Agency for Health Care Administration is charged with the responsibility of developing rules related to the operation of nursing homes. The Department of Elderly Affairs develops rules relating to assisted living facilities. The Agency for Health Care Administration licenses and inspects both nursing homes and assisted living facilities. During the 2001 session, the legislature enacted CS/CS/CS/SB 1202, which made substantial changes in nursing home and assisted living facility operations and licensure.

PROJECT OBJECTIVE(S):

This project will monitor implementation by executive agencies of the changes required by CS/CS/CS/SB 1202. Particular attention will be paid to agency implementation of new licensure requirements; development of mechanisms to monitor and enforce quality and staffing standards; completion of a study of the use of electronic monitoring devices; development of the Medicaid “Up-or-

Out” pilot project; development and approval of specific training programs pertaining to Alzheimer’s disease; and the effect of a moratorium on nursing home certificates of need.

METHODOLOGY:

Committee staff will hold meetings with executive agencies and provider groups involved in implementation of CS/CS/CS/SB 1202, attend public meetings and rule workshops, and review agency data regarding provisions contained in the bill.

INTERIM MONITOR PROJECT TITLE:

Review of the Implementation of CS/SB 688 - Health Care Background Screening Requirements

DATE DUE: N/A

PROJECT NUMBER: 2002-344

BACKGROUND and DESCRIPTION:

This project would monitor the interagency workgroup created by CS/SB 688 (2001) to study the establishment of uniform background screening requirements for health care licensees. The interagency workgroup is required to review ch. 435, F.S., providing for criminal background screening, and propose updates to the list of criminal offenses used in the screening process, specify appropriate statutes of limitation for disqualifying offenses, and identify any civil actions that might be added to the list of current criminal screens. The workgroup will consist of at least five members from various state agencies and two members from the Legislature, and is required to report to the Governor and the Legislature by December 1, 2001, after which it is abolished.

PROJECT OBJECTIVE(S):

The purpose of monitoring the interagency workgroup’s activities is to keep the Senate informed about any proposed changes to law as recommended by the workgroup. A report will be provided to the committee during the interim period.

METHODOLOGY:

Staff will attend meetings of the workgroup. Staff will report on the workgroup’s findings and any recommendations as they become final.

Judiciary

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Analysis of the Jury Pool Selection Process

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-139

BACKGROUND and DESCRIPTION:

Currently the jury pool from which prospective jurors are selected is developed from the lists of licensed drivers and persons holding state identification cards issued by the Department of Highway Safety and Motor Vehicles. Questions have arisen as to whether a sufficient number of jurors can be obtained from these lists due to the high number of no shows or ineligible jurors. During the 2001 session, legislation was proposed to provide for the selection of jurors from the lists of registered voters. This legislation did not pass and an interim study was proposed instead.

PROJECT OBJECTIVE(S):

This project will review the process and source for the jury pools to determine if the current process for selecting the jury pool provides an adequate pool of jurors. If it is determined that another method for selection of jury pools would be more effective, then other methods of selecting the jury pool will be reviewed to determine the most effective process.

METHODOLOGY:

Surveys will be distributed to the Clerks of the Court, Judges, and trial attorneys to determine the effectiveness of the current process for selecting the jury pools. Where concerns are raised, the survey will solicit information on the types of problems occurring and how those problems are addressed and recommendations for addressing concerns raised. Additionally, the report will examine the jury pool selection process used in other states where that information is available.

INTERIM PROJECT TITLE:

The Legal Needs of Children

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-140

BACKGROUND and DESCRIPTION:

Under Florida law a child in a dependency proceeding and other proceedings impacting the life of a child is not entitled to independent assistance of counsel in the action. The child may be assigned a guardian ad litem to represent the child's best interest but that guardian ad litem is not always an attorney. This project will examine the interaction of children with the court system to determine those circumstances where the child should be afforded legal counsel independent of other parties to a legal action. This review will include an examination of the representation of children in some or all of the

following areas of the judicial system: dependency, juvenile, criminal, civil commitment, custody, domestic violence, probate, and general civil.

PROJECT OBJECTIVE(S):

The goal of this project is to determine in what, if any, proceedings other than criminal proceedings a child should be provided independent counsel by the state with a focus on those areas where a child has the least parental or family support. Where it is determined to be appropriate to provide a child with their own legal counsel, then the project will review the appropriate role of the attorney in representing the children.

METHODOLOGY:

The project will review the current law in Florida on the representation of children in non-criminal proceedings, including the ethical responsibilities of counsel. Additionally, staff will review programs in other states and Canada where legal services are provided to children and will coordinate with members of the Judiciary, the Florida Bar, and the state agencies who have worked in this area.

INTERIM PROJECT TITLE:

Review of the Family Courts Division and the Model Family Court

DATE DUE: December 1, 2001

PROJECT NUMBER: 2002-141

BACKGROUND and DESCRIPTION:

On May 3, 2001, the Florida Supreme Court issued an order regarding its acceptance of the Family Court Steering Committee's recommendations for a model family court using the unified family court process. The order addressed the organization, policies, procedures, staffing, resources, and linkages to community services needed to assist children and families involved in litigation. This project would bring together the participants in the state's family courts to determine those areas of law that need to be amended or where legislation is needed to facilitate the implementation of the model family court. The Children and Families Committee will focus on issues related to the role of social services and the providers of those services in the model family court. The Judiciary Committee will focus on issues related to case management, court processes and information technology.

PROJECT OBJECTIVE(S):

The project will focus on those aspects of the model family court where legislative action is needed to facilitate implementation in the court system and the coordination of needed social services. In the coordination of social services, the project will initially focus on removing barriers and increasing coordination between the court and the providers of those services funded primarily by the state.

METHODOLOGY:

This project will begin with a request for all interested parties to identify issues requiring legislative attention for discussion at a meeting with the Chairmen of the Committee on Children and Families and the Committee on Judiciary. This meeting is scheduled for June 26, 2001 in Tallahassee. The issues identified at this initial meeting will be further discussed in follow-up meetings during July and August. These meetings will involve the interested parties working with staff to further clarify and prioritize issues to be brought to the committees during the fall. During September and October, each committee will focus on a set of the issues identified during the summer to determine those issues requiring legislative action and to identify what action the committee wants to pursue. Legislation implementing

the recommendations of the committees will be drafted and presented as proposed committee bills in the late fall.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW PROJECT TITLE:

Zero-Based Budgeting - State Courts System

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-221

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim. The Zero-Based Budgeting review, required by section 216.1825, Florida Statutes, is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product that includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

The state court system is among the eleven entities to undergo zero-based budgeting review during the 2001-2002 interim.

PROJECT OBJECTIVE(S):

This project will provide the Legislature with an exhaustive compilation of information on the programs and services provided by the state court system.

METHODOLOGY:

Experience from the prior year showed that the ZBB review is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for the state court system. Process and analysis methodologies for the review were developed jointly with substantive committees and appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Monitoring the Implementation of HB 367 that changed the appointment of members to the Judicial Nominating Commissions

DATE DUE: N/A

PROJECT NUMBER: 2002-345

BACKGROUND and DESCRIPTION:

The provisions of HB 367 provided that each Judicial Nominating Commission will still consist of 9 members, however, six of the members must be members of the Florida Bar and the Governor will have sole authority to appoint all of the members to each JNC. Four of the Florida Bar members must be selected from nominees from the Board of Governors of the Florida Bar. The Board of Governors must submit to the Governor a list of three recommended nominees for each of the positions from which the Governor may select his appointment. The Governor may reject all nominees and request a new list of previously unappointed persons. For the remaining five JNC positions, the Governor directly appoints the members of whom at least two must be Florida Bar members.

The bill amends the selection requirements to provide diversity constitutional requirements. Provisions relating to the mandated ethnic, racial, and gender composition of the JNC were replaced with a provision to require consideration of these factors when appointments are made. Additionally, the geographic distribution of the population within the JNC and the adequacy of the representation of each county must also be considered in making the appointments.

The Executive Office of the Governor is required to provide administrative support for each JNC. Further, the Governor's office must enact rules to administer the new provisions. These rules presumably are not intended to override or conflict with the rules of procedure adopted by the JNCs in accordance with s. 11 of Art. V{ TA \l "11 of Art. V" \s "11 of Art. V" \c 11 } of the Florida Constitution.

PROJECT OBJECTIVE(S):

This project will monitor the implementation of HB 367.

METHODOLOGY:

Staff will consult with the Governor's office and the Florida bar to monitor the implementation of the bill.

Natural Resources

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Review of the Legislative Requirements for Solid Waste Management

DATE DUE: November 15, 2001

PROJECT NUMBER: 2002-142

BACKGROUND and DESCRIPTION:

Over the past several years, the Legislature has annually diverted increasing amounts of funds from the Solid Waste Management Trust Fund for other program purposes such as aquatic weed control and surface water restoration projects.

For fiscal year 2001-2002, the Legislature diverted \$33 million from the Solid Waste Management Trust Fund. As part of the Governor's legislative budget recommendations, a legislative proposal was included to have the Department of Environmental Protection review legislative requirements for solid waste management in view of reduced availability funding for these purposes. As a result, CS/HB 9 was passed to require the Department of Environmental Protection to conduct a comprehensive review of the waste reduction and recycling goals set out in ch. 403, F.S., and other legislative requirements in view of reduced available funding for these purposes. Staff will be working closely with the department on this comprehensive review. The review shall include the appropriateness of maintaining, extending, or revising the goals; the effectiveness of current programs for meeting the goals; the role of Keep Florida Beautiful, Inc.; the need to continue those programs; alternative techniques for improving those programs; alternative strategies for meeting the needs of the programs; and any other issues related to resource recovery and management.

PROJECT OBJECTIVE(S):

To review the solid waste management reduction and recycling goals and determine the most effective and efficient means of meeting the solid waste management needs of Florida in view of the funding restraints for solid waste management. The project will allow the committee to introduce and sponsor legislation needed to address these concerns.

METHODOLOGY:

Staff will review the previous findings and recommendations of the Solid Waste Management Trust Fund Review Commission that was created in 1997 and completed its work in July, 1998. Staff will also review the activities of the Department of Environmental Protection as they conduct the comprehensive review of solid waste management activities required by CS/HB 9. Also, staff will attend meetings held by the department as part of the department's study and staff will prepare and propose a committee bill to implement any legislatively required recommendations of the department.

The department is required to issue its report, recommendations, and proposed legislative changes to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 31, 2001. Staff will finalize its report and prepare the proposed committee bill, if necessary, by November 15, 2001.

INTERIM PROJECT TITLE:

Review of Records and Mapping of State, Federal, and Locally Owned Lands

DATE DUE: November 1, 2001

PROJECT NUMBER: 2002-143

BACKGROUND and DESCRIPTION:

Section 253.03(8), F.S. requires the Board of Trustees of the Internal Improvement Trust Fund to prepare, using tax roll data, an annual inventory of all publicly-owned lands within the state. Such inventory shall include all lands owned by any unit of state government or local government, by the Federal Government to the greatest extent possible, and by any other public entity. Even though good progress has been made in developing this inventory, it is largely a computerized listing and the list has not been surveyed and mapped and made part of county property tax records. Consequently, property transactions are often times made more complicated due to a lack of notice in the property records of the existence of publicly-owned lands, including sovereignty-owned lands, and the exact boundaries of these publicly-owned lands.

PROJECT OBJECTIVE(S):

To review the state's ongoing activities for developing an inventory of publicly-owned lands and develop information and alternatives for making this information easily available to the public.

METHODOLOGY:

Staff will review the activities of the Division of State Lands in developing the inventory of publicly-owned lands for the Board of Trustees and develop information and alternatives for how the inventory of publicly-owned lands can be further developed into maps that are part of county property tax records. Also, staff will review the activities of the Division relating to modernization of state lands records and determine how these activities can assist in better public notice of the location of publicly-owned lands.

INTERIM PROJECT TITLE:

Alternatives for Funding the Comprehensive Everglades Restoration Plan

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-144

BACKGROUND and DESCRIPTION:

The Comprehensive Everglades Restoration Plan (CERP) is an \$8.2 billion joint state-federal project for which Florida has agreed to pay an estimated \$200 million annually for the first 10 years. Pursuant to s. 373.470(5), F.S., the 2000 Legislature enacted a funding plan requiring the local sponsor, the South Florida Water Management District, and the state to equally fund Florida's \$200 million annual cost. The state's share is comprised of \$75 million in unspecified "state funds" and \$25 million in Florida Forever funding that would otherwise be provided to the district. To make better use of funds this fiscal year, \$75 million of the state's share for restoration of the Everglades was appropriated from the Preservation 2000 Trust Fund, with intent provided to repay the funds in FY 2002-2003.

PROJECT OBJECTIVE(S):

The project will present a summary of alternatives that could be used, singly or in combination, to fund the state share for the CERP over the first 10 years of the project.

METHODOLOGY:

Staff will review and analyze the extensive materials relating to this issue that have been published by the South Florida Water Management District and the U.S. Army Corps of Engineers, and a prior interim project. In addition, various possibilities such as the increased use of Florida Forever funds, documentary and other tax distributions, other trust funds, and the like would be analyzed and presented as alternatives. Committee staff will confer with Appropriations Committee staff in the effort.

INTERIM PROJECT TITLE:

Review of Exotic Plant and Animal Species Management Efforts

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-145

BACKGROUND and DESCRIPTION:

Florida has, perhaps, the worst biological invasion problems in the United States. Nearly \$500 million has been expended nationwide in the control of exotic insect, plant, and other invasive species in the past several years. Florida's initial efforts focused on exotic plant control, particularly aquatic species. These efforts are coordinated by the Department of Environmental Protection (DEP) under Part I of ch. 369, F.S. As an ever-increasing number of exotic species have invaded Florida, control efforts have been expanded as needed and as resources became available. Recently, funding has been significantly increased and exotic species control efforts have also been directed on public uplands. Although DEP's control programs are conducted largely through the state's water management districts (WMDs), there are local programs and the Fish and Wildlife Conservation Commission's program using grass carp. There is, however, no statewide program to coordinate state, regional, local, and federal efforts in the control of exotic species. If such a plan existed, the state could be eligible for federal funding in undetermined amounts. The Governor recently directed the DEP to organize a meeting of agencies that are involved in exotic species control to determine the most effective way to develop such a plan.

The project would review and analyze Florida's current program, including the use of increased funding recently provided by the Legislature. In addition, staff would determine and review the relevant statutes and authority for control of all exotic species, determine whether research or proposals already exist in Florida that might serve as a basis for the development of a comprehensive management plan, and determine whether overlaps or gaps exist in current programs.

PROJECT OBJECTIVE(S):

From the development of the above, and other, information, staff would determine what statutory changes or legislative initiatives are needed to create and implement a comprehensive management plan, provide increased control and monitoring efforts, and increase interagency cooperation and involve private landowners in these efforts.

METHODOLOGY:

Staff will attend any meetings intended to address statewide comprehensive plan issues and review relevant statutes and rules to determine existing capabilities. Staff will also determine what activities are

currently being conducted by local, regional, state, and federal entities and identify impediments to comprehensive planning.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Statewide Drought Situation

DATE DUE: N/A

PROJECT NUMBER: 2002-346

BACKGROUND and DESCRIPTION:

Florida is experiencing a drought situation that is equivalent to what may occur one time in 200 years. The Senate Natural Resources Committee scheduled presentations by the South Florida Water Management District and the St. Johns River Water Management District prior to the 2001 Legislative Session to learn more about the efforts by these districts to manage the drought situation. Among other actions, the water management districts may impose increasingly stringent limitations on water use. If the situation continues through the summer months more drastic management measures will be needed, having serious impacts on water resources, the environment, agriculture, and commercial and private uses.

PROJECT OBJECTIVE(S):

To review and monitor the various actions taken by the water management districts to address the effects of the drought.

METHODOLOGY:

Staff will monitor reports and actions taken by the water management districts in responding to the situation.

INTERIM MONITOR PROJECT TITLE:

Activities of the Water Management Districts and DEP in Utilizing Florida Forever Funds

DATE DUE: N/A

PROJECT NUMBER: 2002-347

BACKGROUND and DESCRIPTION:

The Florida Forever Program is a 10-year bond-funded program for land acquisition and capital improvement intended to replace the Preservation 2000 Program, which has now sold its final bonds. Although the Florida Forever Program will supplant the Preservation 2000 Program, it is not identical in

its goals and disposition of funds. The results of selecting projects for funding with the proceeds from the first Florida Forever bond issue will be available in the next few months. Agencies have recently modified their rules for selecting and prioritizing projects to reflect new directions and emphases in the Florida Forever Program.

PROJECT OBJECTIVE(S):

To review and monitor the selection of projects on agencies' priority lists, and to review the use of program funds for water resource development and capital improvements.

METHODOLOGY:

Staff will review the project lists and the rules for selecting and prioritizing projects to determine conformity with similar statutory provisions for the Florida Forever Program.

INTERIM MONITOR PROJECT TITLE:

Activities of the FWCC in Implementing the Manatee Settlement Agreement

DATE DUE: N/A

PROJECT NUMBER: 2002-348

BACKGROUND and DESCRIPTION:

The Florida Fish and Wildlife Conservation Commission has been sued by a coalition of environmental groups alleging that the Commission has not taken the actions necessary to protect the manatee. As a result, the Commission has entered into a settlement agreement that will result in a significant increase in the number of slow speed zones and refuges for manatee protection, beginning in Brevard County and continuing in other counties with significant manatee populations. The Commission will be holding a number of meetings relating to establishing by rule additional reduced speed zones in areas where manatees are found. Also, the Commission will be holding meetings relating to establishing new manatee "safe havens" in certain areas designated in the settlement agreement.

PROJECT OBJECTIVE(S):

To review the various actions taken by the Commission to implement the settlement agreement and to remain knowledgeable regarding the impact of the actions on the boating public and industry.

METHODOLOGY:

Staff will monitor these activities as well as the Commission's use of additional financial resources provided in the budget for additional manatee protection measures.

INTERIM MONITOR PROJECT TITLE:

Implementation by the DEP of Administrative Fine Legislation

DATE DUE: N/A

PROJECT NUMBER: 2002-349

BACKGROUND and DESCRIPTION:

The 2001 Legislature enacted HB 1635, which created a schedule of administrative fines for violations of environmental laws and regulations. The program is voluntary and provides a more

immediate determination of fault and appropriate penalties than either administrative practice or the courts. The DEP will likely prepare materials and hold meetings with interest groups affected by this new law.

PROJECT OBJECTIVE(S):

To monitor the department's activities in implementing the new law, to determine whether the Legislature's intent is being carried out.

METHODOLOGY:

Committee staff will review materials produced by the department and attend meetings related to implementation of administrative fines.

Regulated Industries

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Universal Provision of DSL Services in Florida

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-146

BACKGROUND and DESCRIPTION:

Digital subscriber line (DSL) is a type of “advanced service” offered by telecommunications companies. “Advanced telecommunications service” is defined by s. 364.508(5), F.S., as network-based or wireless services that provide additional communications capabilities enabling the use of applications such as distance learning, video conferencing, data communications, and access to the Internet. Other types of advanced telecommunications services include cable modems, satellites, and wireless broadband access. Incredible advancements in information technology have occurred in recent years that potentially benefit the citizens of Florida. Because of these advancements, a review of advanced services technologies is warranted to determine whether any changes should be made to the Florida Statutes to require that DSL be made available and affordable to all Florida citizens, including those living in rural and underserved areas, or whether other appropriate mechanisms to encourage deployment are warranted.

PROJECT OBJECTIVE(S):

Review and evaluate the availability of existing advanced services technologies, identify existing and planned advanced services infrastructure, research the cost to deploy advanced services, and explore consumer (residential and business) demand for access to those services and make recommendations as to whether any changes should be made to the Florida Statutes to require that DSL be made available and affordable to all Florida citizens, including those living in rural and underserved areas, or whether other appropriate mechanisms to encourage deployment are warranted.

METHODOLOGY:

Meet with representatives of the Florida Public Service Commission, companies offering advanced services, and other interested parties. Review developments in other jurisdictions, other miscellaneous sources, and current law.

INTERIM PROJECT TITLE:

Review of Florida’s Wholesale Electricity Market

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-147

BACKGROUND and DESCRIPTION:

Recent developments make it likely that significant legislation relating to the electricity industry will be filed next session. These developments include: 1) the Florida Supreme Court's decision that the

statutes do not authorize the Public Service Commission to make a determination of need for a proposed power plant output that is not fully committed to use by Florida customers who purchase electrical power at retail rates, thereby prohibiting building merchant power plants in Florida under the power plant siting act; 2) the granting of a determination of need to an out-of-state electric company that has a contract to sell its generation to a Florida utility for a specified period of time; 3) the increase in the number of merchant plants proposed to be built under the exceptions to the power plant siting act; 4) the interim report of Governor Bush's Energy 2020 Study Commission, with its proposal for restructuring Florida's wholesale electricity market; 5) the proposed Regional Transmission Organization; and 6) the Public Service Commission's review of the earnings of Florida Power Corporation and Florida Power and Light. Additionally, the 2020 Study Commission will be filing its final report on December 1, 2001. Finally, there have been changes in regulation and operation of the electricity industry at the federal level and in other states that may have an impact in Florida. In light of these developments, the Florida Statutes regulating the electricity industry should be reviewed to determine what, if any, changes would be necessary to best ensure an efficient, affordable, and reliable supply of electricity with consistent and fair treatment of those proposing to build power plants.

PROJECT OBJECTIVE(S):

Review and evaluate the current wholesale electricity market and formulate recommendations for the Legislature as to what statutory changes are necessary to best ensure an efficient, affordable, and reliable supply of electricity with consistent and fair treatment of those proposing to build power plants.

METHODOLOGY:

Continue to monitor the Governor's Energy 2020 Study Commission, meet with representatives of the Florida Public Service Commission, the incumbent electric utilities, those companies gaining or seeking entrance into Florida's wholesale market, and other interested parties, review developments in other jurisdictions, and review current law.

MANDATORY REVIEWS

(None)

MONITOR PROJECTS

(None)

Transportation

INTERIM PROJECTS

INTERIM PROJECT TITLE:

Florida's Highway Transportation Needs

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-148

BACKGROUND and DESCRIPTION:

Road capacity improvements in Florida have not kept pace with the state's rapid growth. Studies have shown travel demand and congestion on the Florida Intrastate Highway System are increasing more than two-times faster than the Florida Department of Transportation (FDOT) can fund and construct lane miles to expand system capacity. This project will examine the unmet highway transportation needs in Florida and the capacity of the state's resources to meet those needs, as well as the capacity of highway construction contractors to support Florida's rapid growth. The project will also investigate various funding strategies, which may be employed to meet Florida's transportation needs.

PROJECT OBJECTIVE(S):

The project would outline the need, documented beyond the five-year work program, and the state's ability to finance unmet highway transportation priorities. This information will offer the members a clear understanding of the state's position in order to make informed decisions to meet the state's future infrastructure needs.

METHODOLOGY:

FDOT and the Florida Transportation Commission have extensive resources available, which outline Florida's transportation needs. This project will compile existing information from various sources on the state's highway deficits, as well as current funding strategies. Committee staff will meet with and interview key stakeholders, including highway contractors, to determine their capacity to meet the state's unmet transportation needs. The response to rapid growth in other states will also be investigated.

INTERIM PROJECT TITLE:

Review of Law Enforcement Functions Within Selected State Agencies

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-149

BACKGROUND and DESCRIPTION:

Through enforcement of laws and public education, the Florida Highway Patrol (Department of Highway Safety and Motor Vehicles) functions to reduce the number of deaths and injuries on Florida's roadways. To accomplish this mission, state troopers patrol the highways, investigate traffic crashes, make arrests, assist other law enforcement officers, and provide safety education and training.

The Office of Motor Carrier Compliance (Department of Transportation) enforces state and federal laws and rules, which regulate the safety of commercial motor vehicles and their drivers. These enforcement efforts help to ensure that trucks and buses operating in Florida are mechanically sound, are licensed, do not exceed size and weight limits, and that vehicle operators are properly qualified, licensed, and driving their vehicles in a safe manner.

In addition to the Florida Highway Patrol and the Office of Motor Carrier Compliance, there are a number of other state law enforcement agencies that are authorized to enforce laws governing the operation of motor vehicles on Florida's streets and highways.

PROJECT OBJECTIVE(S):

This interim project will examine the current organizational placement and operational responsibilities of the Florida Highway Patrol, the Office of Motor Carrier Compliance, and other state law enforcement agencies. In addition, the interim project will evaluate the feasibility of consolidating or decentralizing the highway safety/law enforcement responsibilities associated with these agencies.

METHODOLOGY:

The interim project will include the following strategies:

- Identify current agency responsibilities and resources;
- Review previous research relating to the consolidation or decentralization of state law enforcement responsibilities;
- Interview agency managers and other appropriate stakeholders; and
- Survey local law enforcement agencies.

INTERIM PROJECT TITLE:

Right of Way Acquisition

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-150

BACKGROUND and DESCRIPTION:

The purpose of the Florida Department of Transportation's (FDOT) right of way acquisition program is to obtain land needed in order to construct or expand a transportation facility. During the right of way acquisition process, FDOT appraises the property and attempts to negotiate a purchase price with the landowner. If FDOT is unable to agree on a purchase price and the property is essential for the transportation project, FDOT files a condemnation suit and a 12-member jury determines the value of the property. Federal and state constitutional provisions and state statutes provide significant protections to landowners including compensation of landowners for their land, attorney fees, appraiser fees, technical expert fees, relocation expenses, and business damages, if necessary.

A successful right of way program is one that maximizes cost avoidance strategies during negotiation and condemnation, and completes land acquisition in a timely manner in order to avoid delays in letting the project to construction.

PROJECT OBJECTIVE(S):

This project examines the current right of way acquisition process within FDOT with the intent of finding ways to lower transportation project costs through lower right of way acquisition costs.

METHODOLOGY:

Identify the current right of way acquisition process within the FDOT.

Examine previous legislation, research, and recommendations relating to right of way acquisition.

Determine how comparable programs are administered in other states.

Conduct interviews with FDOT staff and other appropriate stakeholders.

INTERIM PROJECT TITLE:

Improving Inter-City and Intra-City Mobility

DATE DUE: October 1, 2001

PROJECT NUMBER: 2002-151

BACKGROUND and DESCRIPTION:

Traffic congestion in Florida's urban areas, as well as the highways connecting urban areas, continues to increase with no convenient alternatives for commuter, business, or tourist traffic. This project will examine the current state of inter-city and intra-city mobility in Florida, and the experiences of other states. This project will examine Florida's public transportation policies and the value of various modes of public transportation to move commuter, business, and tourist traffic efficiently.

PROJECT OBJECTIVE(S):

The project will be a comprehensive examination of the value of various inter-city and intra-city travel choices. This information will offer the members a clear understanding of the state's position in order to make informed decisions to meet the state's inter-city and intra-city mobility needs.

METHODOLOGY:

Committee staff will review reports and other information available from FDOT's Division of Public Transportation as well as local public transportation authorities. This project will also examine the successes and failures of inter-city and intra-city travel options in Florida and in other states.

MANDATORY REVIEWS

INTERIM MANDATORY REVIEW TITLE:

Public Records Exemption for Certain Records Held by Deepwater Ports

DATE DUE: September 1, 2001

PROJECT NUMBER: 2002-222

BACKGROUND and DESCRIPTION:

Section 315.18, F.S., provides a public record exemption for certain records held by deepwater ports, which section is scheduled to be repealed unless specifically reenacted by the Legislature.

PROJECT OBJECTIVE(S):

The objective of this project is to provide the members information to make an informed decision concerning the reenactment of this section of law.

METHODOLOGY:

Staff will review the implementation and merits of this section of law.

INTERIM MANDATORY REVIEW TITLE:

Zero-Based Budgeting Review - Department of Transportation

DATE DUE: January 1, 2002

PROJECT NUMBER: 2002-223

BACKGROUND and DESCRIPTION:

The Legislative Budget Commission schedule for Zero-Based Budgeting (ZBB) provides for eleven agencies to undergo ZBB review during the 2001-2002 interim (including the Florida Department of Transportation). The Zero-Based Budgeting review, required by section 216.1825, Florida Statutes is an extensive, comprehensive analysis of agency programs, services and activities performed by legislative staff under the direction of designated members of the Legislative Budget Commission. Agency support and cooperation are essential in order to produce a meaningful product, which includes an exhaustive compilation of program and service information. Program performance data, customer service, program quality, as well as revenues, expenditures, program policy, and other important data and information are reviewed and compiled for legislative review and action.

PROJECT OBJECTIVE(S):

Monitor the progress of the zero-based budgeting process.

METHODOLOGY:

Experience from the prior year showed that this effort is extremely labor intensive for both agencies and legislative staff. As was done last year, this project will be conducted jointly with staff of the House of Representatives and with staff of both House and Senate substantive committees having jurisdiction for those agencies. Process and analysis methodologies were developed jointly with other substantive committees and other appropriations subcommittees of both the House and the Senate, with review and approval of the Legislative Budget Commission.

MONITOR PROJECTS

INTERIM MONITOR PROJECT TITLE:

Incidents of Aggressive Driving

DATE DUE: N/A

PROJECT NUMBER: 2002-350

BACKGROUND and DESCRIPTION:

During the 2001 Session, the Legislature enacted HB 175, which established a definition for “aggressive careless driving” and directed the Department of Highway Safety and Motor Vehicles to

revise the uniform traffic citation to include a box for law enforcement officers to indicate if aggressive driving was a factor in a traffic violation or traffic accident. In addition, the Department is required to issue a report to the Legislature by February 1, 2002, which documents the number of incidents of aggressive driving during the preceding six-month period.

PROJECT OBJECTIVE(S):

This monitoring project will examine the Department's implementation of the requirements provided for in HB 175 and identify potential policy options.

METHODOLOGY:

The monitoring project will include the following activities:

- Interview officials from the Department of Highway Safety and Motor Vehicles;
- Interview officials from other law enforcement agencies; and
- Review the results of the Department's report on the incidents of aggressive driving.

INTERIM MONITOR PROJECT TITLE:

Drivers License Cost Determination and Allocation Task Force

DATE DUE: N/A

PROJECT NUMBER: 2002-351

BACKGROUND and DESCRIPTION:

During the 2001 Session, the Legislature enacted HB 1121, which provides for the creation of a Cost Determination and Allocation Task Force to analyze the allocation of costs between the Department of Highway Safety and Motor Vehicles (DHSMV) and county tax collectors for driver license services. The task force is to be composed of two representatives appointed by the Executive Director of DHSMV, two tax collectors appointed by the President of The Florida Tax Collectors, Inc., one person appointed by the Speaker of the House of Representatives, one person appointed by the President of the Senate, and a Governor's appointee. The task force is required to prepare a written report no later than January 1, 2002, which addresses construction and operating costs of DHSMV and the applicable tax collectors, appropriate allocation of costs between DHSMV and the tax collectors, and fee recommendations to assure that the fees paid for these driver license services do not result in a loss of revenue to the state in excess of costs incurred by the state. The report shall be issued to the Senate President, Speaker of the House of Representatives and the Executive Office of the Governor.

PROJECT OBJECTIVE(S):

This project will monitor the deliberations of the Cost Determination and Allocation Task Force created by HB 1121 and identify potential policy options.

METHODOLOGY:

The monitoring project will include the following activities:

- Interview members of the Cost Determination and Allocation Task Force;
- Interview representatives from the Department and county tax collectors; and
- Review the findings and recommendations contained in the final report issued by the Cost Determination and Allocation Task Force.

INTERIM MONITOR PROJECT TITLE:
Florida High Speed Rail Authority

DATE DUE: N/A

PROJECT NUMBER: 2002-352

BACKGROUND and DESCRIPTION:

House Bill 489, which passed the 2001 Legislature and has been approved by the Governor, creates the Florida High-Speed Rail Authority. The authority will consist of nine members, three members each appointed by President of the Senate, the Speaker of the House of Representatives and the Governor. According to the bill, the initial appointments must be made within 30 days of the bill becoming law (the bill was approved by the Governor 06/01/01).

PROJECT OBJECTIVE(S):

This project will update the members on the progress of the Florida High-Speed Rail Authority.

METHODOLOGY:

Committee staff will monitor the progress of all authority meetings during the interim.